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*The* RAID *on* PROSPERITY





*The* RAID *on*  
P R O S P E R I T Y

*By*

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TO  
MY FATHER  
THOMAS DAY  
WHO TAUGHT ME  
TO REVERE THE CONSTITUTION  
AND  
TO REGARD THE RIGHTS OF MEN  
I DEDICATE THIS BOOK



## PREFACE

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WHEN men cannot answer facts or arguments, they usually resort to impugning motives, and they descend to abuse more or less coarse, according to the fiber of their natures. To such persons it is useless for one to give a reason for acts or utterances which they assail. The student with judicial mind finds his way to explanations of motives by processes that require no emendation. For him a statement is not necessary. To the hurried, sincere man a prefatory word may be proper.

Since I entered upon this discussion, a year and a half ago, when my opinions met violent opposition, a marked change seems to have come over a large portion of the public.

The subjects discussed in these pages I pronounced myself upon for the most part twenty years ago. My convictions have not come to me out of the exigencies of a college presidency or by the contaminating influence of millionaires! I am on record, with such record as a comparatively young man could make, far back beyond the present agitation. From the time when as a lad of fourteen I passed around the continent from Maine to Oregon\* to the times

## PREFACE

when I penetrated to its centers and crossed it along its diameter, I have had an increasing appreciation of our country's magnitude and the immensity of our times, and I have believed that if as a people we were as large as our opportunity, the civilized world would revolve around us as its axis because we would comprise the blood and force of all great peoples, and our mighty endeavors, restricted only by the extent and enormous resources of our vast territory, would be the necessity and service of all lands.

The occasion for my speaking is due to certain incidents in the administration of the government which I believe unwarranted by our Constitution, and in their tendency destructive to our liberties and the progress of our commerce. Carried to their conclusions—and these are not far away—they must result in an oligarchy. A lawmaking, court-controlling executive department, a government by commissions, a personal construction of the Constitution is not a republic.

The trial of business corporations in courts of the administration, by a prosecuting administration, the arraignment of citizens and their business by name in a condemnatory way, the characterizing of private citizens offensively, and the commenting adversely upon men under indictment waiting trial, unseemly quarrels with the representatives of our highest official positions before an astonished civilized world, and gratuitous attacks upon citizens for their personal opinions and teachings, have seemed to me so opposed to all our dignified traditions and such a menace to our boasted freedom as to justify an examination of some first principles.

## PREFACE

I speak by no man's favor nor am I restrained by any man's frown. My credentials are sufficient. I am an American citizen.

If a corrective to existing evils should be applied in any case, it should be done by calm, statesmanlike perception of the large and far-extended interests of the country; not as "punitive only, but as protective" also, and not as "offensive alone, but defensive" of our country's immense commerce, both foreign and domestic, rather than by emotional and sensational fiction writers of socialistic vagaries, whose romancing is accepted against the character of firms of the highest reputation in their commercial relations, which are the most sensitive courts of probity and honor, or by small men whose official relations to such mighty questions is the accident of political preferment, men usually without previous training or practical knowledge.

The future of our country depends upon the men of faith, men who believe in the sure movement of the gulf stream of human events along definite lines of progress with no very serious or fatal deviations. We must navigate these currents by adjustments suited to their laws.

I believe in American citizens, and abhor any intimation that that citizenship has a basis in anything but manhood. Riches do not make citizenship. The thought now urged in demagogic and socialistic agitation that there is a class in this country downtrodden and oppressed by the rich is an impertinence and an insult to our intelligent working people and mechanics. It is an anarchistic importation. Nothing can oppress us but our own voluntary ignorance and



## PREFACE

vices. So little patience have I with the attempt to create classes in this country that I hesitate even to discuss the subject, lest by inference I recognize it as a tendency of our constitutional government.

We all have enormous opportunities. We need only to put into them faith in our possibilities, wisdom in the use of our resources, reverence of our time, and devout gratitude to the "Giver of every good and perfect gift."

I wish to acknowledge the courtesy of *Van Norden's Magazine* and *Leslie's Weekly* in permitting me to use portions of articles which I had furnished to those periodicals.

J. R. D.

SYRACUSE UNIVERSITY,

August 10, 1907.

# CONTENTS

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CHAPTER	PAGE
I.—THE NEW AGE . . . . .	I
II.—NEW PROPORTIONS . . . . .	19
III.—THE CITIZEN . . . . .	37
IV.—THE RIGHTS OF SPEECH . . . . .	52
V.—REACTIONARIES . . . . .	69
VI.—STRETCHING THE CONSTITUTION	84
VII.—RIGHTS OF CORPORATE BUSINESS . . . . .	103
VIII.—THE CORPORATIONS . . . . .	120
IX.—THE CORPORATIONS— <i>Continued</i>	139
X.—THE STANDARD OIL COMPANY	157
XI.—STANDARD OIL DEFENDED BY ECONOMIC WRITERS	174
XII.—THE STANDARD OIL COMPANY IN COURT	191
XIII.—EXACT JUSTICE . . . . .	211
XIV.—SWOLLEN FORTUNES . . . . .	231
XV.—CHARITABLE TRUSTS . . . . .	248
XVI.—TAINTED MONEY . . . . .	264
XVII.—LABOR UNIONS . . . . .	283
XVIII.—WORKINGMEN . . . . .	300
XIX.—THE REMEDY . . . . .	317
XX.—MEN FOR THE TIMES . . . . .	336



# THE RAID ON PROSPERITY

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## CHAPTER I

### THE NEW AGE

**W**E cannot overestimate the value of a full acquaintance with the ages that have preceded us since they are storehouses out of which we may bring much that will greatly aid us to an appreciation and to a proper use of our times. Since history constantly repeats itself, by tracing the course of peoples gone we shall find that many of those experiments with which men are now meddling in philosophy and religion and practical affairs have been tried and have failed because of inherent defects, while much more that engrosses the present age has always ministered to the highest interests of man. Among such archives we shall discover many things that will modify the conceits of the twentieth century and much that will prove helpful for the solving of perplexities that now confront us in many departments of human endeavor.

But valuable as the past is to us, its chief value is in interpreting for us the present. Ancient petrific-

## THE RAID ON PROSPERITY

tions and historic embalmments tell the story of how peoples have lived in their times, and from it we learn lessons for practical application to our endeavors. Our business is the making of an ever on-coming age.

Man must be more than a collator and venerator of what has been. He must create history for ages yet to be. If he may look upon the past he must, like Janus, have a face on both sides of his head that he may be always apprehending the future as well. But while it is our duty to appreciate these times, our ability to arrive at a just comprehension of the age may not be so clear. We confess that to take a comprehensive and discriminating, a philosophical and practical view of the times we live in, is not a trifling matter—is not an easy thing to do. On the contrary, it is a most difficult task. If it does not demand the acroamatic skill for the solution of abstruse subtilties it certainly does call for the acrobatic feat of swinging oneself above the dust of party strife and beyond the influence of all those prejudices which so confuse the vision and bewilder the judgment. Bacon says that "the understanding of man is like a mirror which is not true and so mixing its own imperfections with the nature of things distorts and perverts them." For example, old age indulges in imaginative memory. Youth indulges in imaginative hope. Neither is accurate, but both are overdrawn and overcolored. So for want of an accurate memory and unprejudiced com-

## THE NEW AGE

parisons there always are some who do injustice to the present in their recollection of the past. There are people who say there are no such orators as in the days of Clay, Webster, and Wirt, no statesmen like those who ruled the destinies of the earlier Republic, no poets like those whose verses they recited in childhood, no preachers like those under whose sermons they used to sleep fifty years ago.

But the fact is things appear not only as they are but often as they are not, according as we may look at them or the media through which they are seen. You recall that this is the theory of colors and, in fact, of seeing. Dr. Thomas Young showed us that in the human eye there are certain nerve fibers which respond to certain waves of ether and produce the sensations of the colors. There are three kinds of these fibers at least and the combinations effected produce all of the colors of the spectrum. There is the one class which when irritated produces the sensation of red, the second the sensation of green, and the third that of violet. The first is excited by the waves of ether of the greatest length, the second by the middle waves, and those which convey the impressions of violet are created by the shortest vibrations of ether. Now it sometimes happens that when one of these nerve fibers is defective the person is by just so much color-blind. In some the fiber responding to red is defective and they cannot see any difference between red and green or violet. The color of a blossom and

## THE RAID ON PROSPERITY

a leaf is all the same to them. Because of this defect men have made great physical mistakes.

There are a great many people in the world who are troubled with mental color blindness. These persons will of course represent things as they see them, while often that which they see is in their eyes and not in the thing seen. In looking at our times we must make due allowance for our nerve fibers, otherwise we may make grievous mistakes and become the victims of just ridicule.

We must remember that our profession, our calling, the educational course over which we have come, our national pride, our social bias, our physical temperament, our digestion even, will have much to do with the way things will appear to us. The time of life also at which the painting is made, whether in the rosy morning or the evening shadows or the full golden splendor of the noon, will effect very materially the coloring of the picture.

With such reflections we can fortify ourselves against the charge of pessimism with which I have no sympathy. For though I cannot exactly accept the rose-tinted view of our age I have less sympathy with the pessimistic wailings that too often enter into a discussion of the times in which we live.

We live in a choice age. There never has been a sublimer arena since creation than that which awaits the young man to-day. I am not an optimist with regard to the times. Neither do I believe in the impending crash of all things good and

## THE NEW AGE

great which some men think they see. I feel no rumble of earthquakes opening their jaws to swallow us up. I hear only the thunder of glaciers launching icebergs under the heat of the early summer sun. I see a mighty growth and giant uplift and hear the consequent cracking and snapping off of some dead and moss-covered branches which sometimes split back promising growths as they fall. It is to guard such growth that I speak.

But after we admit all that is bad and listen to the mutterings of every storm threatening in our widely expanding skies, our times are the grandest this world ever has known. There never were greater men than those who project our vast achievements, nor men who should receive in a larger degree the confidence of the people. To such men the reins should be given.

We are multiform—more so than men of any previous age. In this regard we differ decidedly from the epochs that have preceded us. Other periods of human history are more like the early formations of our earth, our own resembles the later upheavals and intersections. In the structure of some portions of our earth we recognize great creative epochs and that there was a time when the periods were regularly tabulated on the rocky strata. Each formation was marked and distinctly defined with these stratigraphical characters. There was order from foundation to summit and every layer was recognizable from Laurentian to Pliocene. But the evi-



## THE RAID ON PROSPERITY

dences are that at a later date there was an eruption which resulted in a confusion of these epochs and now we have "the formations horizontal, vertical, inclined, contorted, and undulated, and the older is frequently superimposed upon the more recent." So that the near surface of our modern earth contains fragments of every formative period. Among them and over them the husbandman drives his plow, little thinking perhaps that his beautiful earth with its valleys and hills, its enameled meadows and castellated mountains is a contribution of all of the ages.

So has it been with human history. There have been well-defined ages with their lines of demarcation sharply drawn and their character made distinct by some one thought or movement or phase of human progress. So we hear about the stone age and the iron age and the ages of bronze and brass and there have been ages in architecture and ages of literature and ages of art and ages of philosophy, each of a peculiar type and each with its own and appropriate name. There have been ages ancient, mediæval, and modern, and men have marked the time when many of these began and when they ended as we calendar the weeks of the year. But when you come to inquire about our age, it is like the superficial structure of the earth which is composed of all the creative periods. It is the cumulation of all the times. It is like our architecture which combines Hindoo, Egyptian, Gre-

## THE NEW AGE

cian, Roman, Italian, and English with their styles Doric, Ionic, Gothic, Corinthian, Pyramidal, and varieties purely modern and nameless. It is like our language which is composed of all the languages. It is like our climate within whose broad expanse different zones of temperature and flora are found from the pines of Maine to the semitropic fruits and flowers of Florida and California.

All ages have been fused into the twentieth century and we are living in the universal times—met in every department of life by the facts and forms and fancies of other continents, of other peoples, of other ages. In all of our considerable cities the four corners of the earth are represented, the traditions of all lands are venerated. We are in the track of the nations of the world—the old world on our East, the older world on our West. We are the Mecca to which the tribes of the earth have come up. Jerusalem in her day, situated similarly in her relation to surrounding nations, was far less cosmopolitan when the gift of tongues was necessary to publish the glad tidings to the masses flocking to her feasts for worship and for gain, than are we of the Yankee land and the Yankee times.

The same is true of our arts and of many of our inventions. They are contributed often by other ages and peoples in the germ at least and we evolve them. Roger Bacon claims the discovery of our gunpowder. The magnetic needle guided the mariner centuries before we became a colony even and

## THE RAID ON PROSPERITY

Solomon De'Caus would doubtless have anticipated our locomotive had not the ignorance and superstition of that time flung him into a lunatic asylum for his advanced thinking.

You see that our times are inventing the old times over again. Shall we not say that this is true of philosophy, of science, of art, of poetry? while our religion is that which was from the beginning, bloomed out into beauty in the gospel of the new commandment and the beatitudes.

This is an explanation of the conflict of our times, the all kinds of theories, professions, and claims, inventions praised and inventions jeered, philosophies accepted as practical and philosophies pitied as chimerical, religion venerated and religion branded as the reproduction of forms of superstition, men called original and more men accused as imitators as men may or may not discover the old in the new form.

But if our times are made up of the olden times, we put our mark upon the age so indelibly that the thought, the distinctive character of these times will be borne down to the latest limit of human existence and our times will be an epoch in the world's gray centuries. As the drift has scratched and marked every eruptive rock which has presumed to push up into the sunlight, so the nineteenth century has stamped her mark on all of the past that has crowded in upon these modern times and these lines are laid so deep, these forms are so recast that the

## THE NEW AGE

crashing events of coming ages can never destroy them.

We are chiseling the nude out of the marble, we are painting the lewd out of the canvas, we are writing the obscene out of literature, we are lifting the vapors from philosophy, we are letting the inventors out of the lunatic asylums, we are stripping the husks from religion and discovering in it the finest of the wheat, we are breaking through the guesses of life into life's sublime realities, and these imprints, like the fern marks in the rocks, shall go with this century into its future and tell to other generations the manner of people we are.

We have doubtless been impressed with the intensity of our times. This intensity is perhaps the type by which we shall be distinguished. The materials of the structure have been furnished largely by the times preceding us, but their adjustment and their employment are discovered in the spirit of our age. The different parts of the engine have been brought up from the four corners of the earth. Our times have set them up, utilized them, and put on steam. And this genius and power are the peculiar property of the times. Had the centuries sent up on the shores of any other continent or peoples the treasures which their tides have borne to us, results would have been far different. But we contemplate nothing with indifference. Our age and our people burn with an unquenchable spirit. Our whole age is vital with activity. The air we breathe is spirit

## THE RAID ON PROSPERITY

force. Never before have men lived so fast. We are impatient with space and time.

It is said that not long since a man rushed into a telegraph office in Boston and inquired how long it would take to send a telegraph dispatch to San Francisco. "Twenty minutes," was the reply. "I cannot wait," he answered, and hurried out again. This incident illustrates the age. Comfort, life, safety, composure, morals are often sacrificed to speed. When a railroad train rushes over an embankment and hurls a score of souls into eternity, men invent another danger signal and crowd on steam. Men used to send men with their messages, but now they send lightning. Men once lifted heavy weights with lever and windlass, but now they lift them with dynamite and the electric spark. If by tunneling the mountain a given point may be reached a few minutes sooner than by going around, a million of money is no consideration. The mountain is tunneled. To conquer time is the master passion of the hour. As the years fly by, the head is constantly taxed to add another mile to the schedule, to take another minute from the time-table.

This intense passion is both fortunate and unfortunate. It becomes a part of the man. It is discovered in something more than his conquest over physical obstacles, time, and space. And this comes about by the slave becoming the master. By his own inventions man is made a slave. When he invented the railway plan of travel and the telegraphic

## THE NEW AGE

method of doing business he levied upon himself an enormous tax of haste and speed. for the maker must keep up with the thing made. Much is said about labor-saving machines. They are called man's tireless servants. This is true in part, but they are also his taskmaster, so that where they lift from him toil they add friction, when they lighten burdens they bring wear and tear.

The excitement and rush of these times with their inventions, political agitations, money-getting fevers, and jostle for fame are a terrible strain upon human endurance. The effects are visible. We wonder at so many sudden deaths and shattered constitutions and business failures and moral lapses. It is largely because these human engines are overcrowded. Nerves that are always on the tension must some time snap. If men will go fast they must arrive sooner. If men drive with loose rein, it will not be strange if the stop is sudden, startling, and fatal. It will not be surprising if the old man with whitened locks, the village patriarch, becomes unknown to future generations if this lightning life is to be the leading characteristic of our times.

This leads to the thought that these are times of great possibility. To the intensity of the age is due this fact. Our impatient, energetic life renders perhaps some things impossible. We do not take the time to do patient, plodding work. Rare, indeed, are the instances among us of a man giving himself to one thought for a lifetime. Our thinkers

## THE RAID ON PROSPERITY

seem more inclined to be superficial with many things than profound in one. We will not let men alone long enough to become philosophers, to become great in literature, science, or art. Our times tend to make smatterers. Our authors, instead of sending down a great book at distant intervals, are scattering their volumes and pamphlets as the deciduous trees drop their leaves, so that our creations lack the giant strength of the slow-going German's exhaustive book and the thoroughness of the English essayist's production.

We sparkle like wine. We lack the deep, broad channel of the patient river. Our times will scarcely permit that yet. Push and eagerness still make our school curricula summer days and hurry our students out of their novitiate into the spheres of active, crowded life before the spring morning of character has fairly dawned. Our apprentices are turned out workmen in three years. Our brothers across the waters work seven. Our student is a savant in four years. Our cousins over the way study half a lifetime preparatory to some one work that shall occupy the next half of life. In our chase for the West we cannot afford such waste. With our face toward the mountain and our rush for the summit we lose the fairest visions of life. But we gain also. And perhaps we can afford to go faster since our cousins are willing and positioned to do the slow work. We can let them sit in the dust and knock the mortar off the old bricks and clear away the

## THE NEW AGE

rubbish since we are permitted with clicking trowel and hopeful hearts to rear the lofty walls of a new civilization of symmetrical and astonishing proportions.

Our physical achievements, our inventions, our useful arts, our conquerors of material force, these are our philosophies. Our telegraph, whose mysteries flash through the hidden deeps of the sea and sing on the mountain tops, is our latest metaphysics. Our telephone, whose numbers vibrate along the subtle paths of natural force, is our last poem. We are intense, but we are making swift strides into the kingdom of conquerable mysteries.

Our possibilities are found in the wonderful physical development of the age. Because of conquered space and time we can accomplish in a day what our fathers could not do in months. In that time a man might have grown old in an attempt to circuit the globe. We circle the world in a summer vacation. Look at the possibilities of travel. How long and tedious journeys were! Men spent weeks in going a few hundred miles and back. And there was no hurry or impatience. They had the time, for nobody else could go quicker. You have been interested doubtless in reading of the composure of those good old days when men never knew what day they would start or when they would come back. One wrote of those times: "Here one may be transported without overviolent motion and sheltered from the influence of the air, with so much speed



## THE RAID ON PROSPERITY

that some of these coaches will go above fifty miles on a summer day." And another wrote: "The like of it hath not been known in the world."

That was all the speed they wanted in those days, for when over there in England George Stephenson, within the memory of some men now living, began to talk about the railway, pamphleteers were hired to ridicule railroads. It was said they would prevent the cows grazing and hens laying! The poisoned air from locomotives would kill the birds as they flew over them and it would no longer be possible to hunt foxes and pheasants. There would be no more use for horses, and oats and hay would not be salable. Country inns would be deserted and the boilers would burst and blow things up generally.

Men of science declared that people could not travel at the fearful speed of fifteen or twenty miles an hour and keep their heads!

In Nuremberg, that famous city of brains and progressive ideas, the physicians met and formally protested against a proposed railway. They declared that it should be prohibited in the interest of public health, for the rapid movements could not fail to produce in the passengers the mental ailment known as *delirium furiosum*! They further said: "If the passengers will run the risk, the State can do no less than protect the bystanders. The sight alone of a locomotive passing at full speed is sufficient to produce this frightful malady of the brain. It is there-

## THE NEW AGE

fore indispensable that a barrier six feet high be erected on both sides of the track."

That was the measure of those times physically. We are in another world and another age. Fifty miles a day then. The like had not been known since the world began. Now sixty miles an hour. Now the business man gets into his car in the morning, rushes away three hundred miles, transacts important business, and is home for the evening with his family. We set our watches by the mile posts of the great railways.

We need not remind you of the wire that speaks with a tongue of lightning. How a merchant may sit in his office in New York and order a cargo of figs from Smyrna or a cargo of tea from China or a cargo of laces from Belgium or a cargo of silks from France or a cargo of ship spars from Victoria or Seattle and receive an answer that same forenoon. By these physical possibilities man accomplishes a thousandfold more than in ancient ages. You lament that you have not Methuselah's age. You have it multiplied by lightning and steam. He had none too much time at the gait he had to go.

Man's life the Bible says is not in years but in deeds. Measured by events, none have ever lived so long as we are living. If man has not been able to push forward the length of human life to patriarchal age or to make enduring the fragmentary years, he has scored against the flight of time a life mammoth in the magnitude of its scenes and events

## THE RAID ON PROSPERITY

and achievings. He is old in conquered worlds while he is young in years. There is more in a year of a young man's life than in a generation of his patriarchal ancestors.

Man molded matter into various coarse and tangible forms. The seven wonders of the world wrought from it were statues, pyramids, and hanging gardens. Men brought from crude materials crude works. They endure as mountains endure. They are heaped-up rocks and sand. They are monumental to muscular strength and expenditure of physical resources. In our age the clay has become a living soul. The angel has broken into pieces the marble and escaped. Magnitude, weight, distance, physical conflict, the end and glory of ages gone are but the shaftings and pulleys of our vast movements and power.

We use the forces that sent the worlds forth upon their eternal pilgrimages and kindled the fires of the unfading stars and set the seas to throbbing with their mighty, ceaseless heartbeats. Man stands now with his hand on the lever and with steam at his command he rushes across the continent of sea or land with a whole community of fellow beings committed to his trust. He calls the lightnings out of their infinite mystery and they obey him. One day at Hell Gate in New York I saw them. Obeying the touch of a child's tiny finger, they lifted an island of rock out of the tides whose assaults it had resisted for untold ages, and before

## THE NEW AGE

the smoke cleared away published the news in every quarter of the globe.

Amazing forces! Man is filled with gaping wonder over his own works. It is the gods whom he has enslaved and set grinding at his mills. He gazes at them at their toil with ever unanswered queries upon his countenance. Every day from St. John to Puget Sound he puts ten hundred thousand heads out of factory and home windows and stops millions of people in village streets and country roads and in the fields to look upon the palaces of the gods as they roll by at fifty miles an hour, and every evening he calls the populace of every considerable town and city to wonder at the earth's new satellites burning with the luster of the North star.

Man is feeling the propulsive energy of the spirit force of the universe. Great things are our inheritance and great achievements are forced upon us. They are not vulgar nor exaggerated. They are natural and proportioned to the man who must measure up to this age.

And they are intensely practical. Heat, light, electricity, immeasurable, inexhaustible forces both created and used by God in creation are as common as horses. As Emerson, often quoted, has said: "Man has taken the chariot of the sun for a market cart." Over the highways of the gods, piercing all mountains and suspended across all valleys, he sends his beef and wheat to market and under the electric light mends shoes.

## THE RAID ON PROSPERITY

It is within such an age that our Republic has arisen. It was here to receive this enormous inheritance. It is to prove whether such a form of government can endure the strain of these interactive forces and it is to be tested by conditions such as no Republic ever was subjected to since the world began.

We are in a new world as literally as if we had been transplanted to some other planet. Old times are not a precedent. Old proportions are not a formula for these new activities. The seer of large and clear visions undismayed is our prophet of tomorrow. The captain who navigated the sailing shallop of the yesterday's world would run this steamship ashore.

## CHAPTER II

### NEW PROPORTIONS

**M**ANUFACTURE and commerce are tremendous instruments of civilization. And the accumulation of wealth is the multiplication of man's powers of noble conquest. It is the measure of possibilities in subduing the lands and seas, in the institutions of the State, in education and the Church, in the development of the earth's resources and the application of them to the varied demands of mankind. It is a prime equation, when properly used, of civilization and the millennium.

In these times an association of business men stands for something more than the money-getting interests of a great community. It has to do with the expenditures of moneys as well, in the interests of all the people, in sanitation, education, and all forms of thrift and morals. It perhaps is one of the most public-spirited institutions in all the land. Its scope is so wide that it is unembarrassed by any possible subject into which one's thought and discussion may range—for its field is the world. For in

## THE RAID ON PROSPERITY

these days manufacture and commerce are the patron saints of philosophy, art, and letters, of war, peace, and religion, of invention, discovery, and politics. Love of money is the root of all evil; but lawful money-making, the right use of money and the wisdom of the money-makers are the roots of all practical good—or at least the practical application of all good.

The extent to which manufacture has widened and penetrated all human interests from the plow to the altar reveals the pace of modern thought. It is the way the century has been thinking and moving. It is the faith of the new man pushing on and pushing out. It is irresistible. I suppose the first movements of migration and trade were inspired by physical consideration exclusively. It was to get pasturage for flocks and to find food more abundant. But now civilization is the great goal of manufacture and trade. All forms of business volunteer their offerings to discovery, to science, to the State. We have a new concept, broad, worthy, in which no man is to live for himself. We are to discover not trade alone but duty and opportunity and the signs of God that shall indicate our place and part in the mighty struggle to emancipate this world and give it in every part liberty.

Men who stand protesting against this logic of events represent the old and unworthy commercial ideas. A nation has something to do besides exist upon the products of its own soil, its mines, its

## NEW PROPORTIONS

mechanical arts and commerce. That is civilized selfishness, and a civilized vice is the worst of all vices. If it were only a question of the development of our resources, we could scarcely more than begin in a thousand years. But character, conscience, thought, ethics, civilization, are mines infinitely richer than the diamond fields of the tropic Transvaal or the gold seams of Arctic Alaska. Some men in these days are standing on these mightier mountains and looking out along the lines of God's thoughts. Corporate business is not large to them. It is logical, natural, consistent. It has its relation to commerce, the opening of vast fields for our manufactures and cereals, exports and imports. It opens lands and makes homes. It is building a nation. It is a tremendous agency in our obligation and opportunity as civilizers and educators. It means our red schoolhouse and our printing press and our free thought and our Christian faith for the wide circuits of the globe under all flags.

To discuss our obligation and opportunities on a commercial basis simply as rates, tariff, competition, is small and unworthy. To reverse the present order and install the old time is as impossible as it would have been for the colonists to sit inactive upon the Atlantic rim of the country with a westward continent waiting for them. Certain men much later than colonial times were blind and deaf to the logic of a new world and new opportunities. They said fifty years ago that all west of the Mis-



## THE RAID ON PROSPERITY

Mississippi was not worth the trouble of contending over the boundary line. Senator Benton, whom God afterwards rebuked with a son-in-law known as the Pathfinder, demanded that the statue of the god Terminus be set up at the Rocky Mountains as the natural western limit of the Republic. You remember that Senator Winthrop, of Massachusetts, said: "We shall not be straitened for elbow room in the West for a thousand years." But the great States of California, Oregon, Washington, Utah, Idaho, and Nevada seem a very natural and neighborly part of the country now. And as it is not as far from New York to Manila as it used to be from the Delaware breakwater to the Golden Gate, very soon the Philipines will seem as logically a part of Uncle Sam's domains as do the Pacific Coast States to-day.

This land cannot crawl into its shell again. Death alone can keep an eagle in its shell and there is no process of life that can put him back into the shell once he gets out. This country is between the old world on the East and the older world on the West. It is related physically and providentially to all mankind. God has waited just long enough for it to grow up, seasoned and developed it by tremendous experiences within its own borders, at a sort of apprenticeship, and then when it got of age has sent it out to serve the world.

That this tremendous mission of the United States has been in preparation is seen in the magnitudes of commercial thought and enterprise which,

## NEW PROPORTIONS

while filling some with dismay and affording the demagogue a text and an opportunity, are nevertheless the calm and cool logic of events. It perhaps has been the only land where these great problems could be worked out successfully. Business has been taking on gigantic proportions. Individuals have joined together brains and moneys and formed themselves into corporations because they could make more for themselves and save more for the people, and serve more the mighty interests of their country.

It is because these men form corporations that we ride at fifty miles an hour; we can cross from New York to Liverpool between two Sundays and run over from New York to San Francisco in four days, and enjoy a thousand things as the common people that fifty years ago were the exclusive luxury of millionaires and princes. The millionaire has given the comfort of the millionaire to the poor man and made himself miserable.

In the good old times when they had no grinding corporations or devilish trusts with their tentacles on the throat of individual rights and privileges, you could have traveled on a canal boat. And if you were in a hurry you could have gone on an express canal boat drawn by three mules instead of two mules. But in any event you would have been so long going that you would have forgotten where you were going and what you were going for before you reached your destination. Time spent so lavishly was not worth much. But then no corporation

## THE RAID ON PROSPERITY

was grinding that captain of the canal boat or that mule driver. They went their own pace leisurely. The people then were ground only between the tow-path and the berm! But now the oppressive and grinding corporation gives you a seat in a parlor of palatial furnishings and takes you along from New York to Buffalo in seven and three-fourth hours, instead of ten days or two weeks. It is an outrage that a merciless corporation should exist in this enlightened age that will hurl a man through the world, around curves and over bevels and across bridges at such a terrific rate of speed—and tempt men to leave the secure and calm pace of the canal boat by charging only two cents a mile, with which no canal man can compete. Such a thing is against competition, has restrained the traffic of the canal boat and ought to be investigated by a commission and prosecuted.

Business used to do its work by longhand. It now does it by shorthand. A typewriter is indispensable to a business office. The average price is one hundred dollars. A trust has made it cost that. If an individual made it, it would cost five thousand dollars, so it is said by those who have computed the cost. The transatlantic liner is one of the products of the modern corporation. Such massing of wealth, such combined skill, such diplomacy of statesmanship in business are the new proportions of a new age.

I wonder if any one of those men who opposed

## NEW PROPORTIONS

these mighty proportions when they first appeared has a proud and boasting grandson in these days, who boldly declaims that his grandfather was the clear-visioned seer who predicted the appalling evil of the modern railway and tried to prevent it. There were men who smashed Arkwright's loom and Whitney's cotton gin into kindling wood. I wonder if anyone is boasting in these days that his grandfather was the man who did it. When half of the next century is gone, you cannot find on this continent any man who will admit that he is a descendant of the pygmies who sought to destroy these mighty movements of manufacture and trade, logically proportionate to this tremendous age, who tried to reach up and turn the shadow back on the dial of God's plan of human progress. The magnitudes of the business of the present age are logical events.

Business has widened into vast areas of which the world knew nothing prior to the middle of this century and it is still widening by all the cumulative force of the most marvelous century the world has ever known. And there is no surer evidence that we have not kept intellectual pace with our own progress than in the attitude of the common minds toward the great corporations and business forces by which we are moving onward. When a great movement or invention or discovery is resisted by the people, it shows that the people are down on the plain from which as a summit or high range that discovery arises, and they fear it is the upheaval of

## THE RAID ON PROSPERITY

a volcano threatening their destruction, instead of hailing it as a mountain range of perpetual springs and fountains out of which are to flow rivers of unwasting blessings in industry, manufacture, and distributed wealth and happiness.

No individual can use such capital or furnish the executive ability for such achievements. Men must be incorporated and money massed into thousands of millions for such purposes. It is the enormous times you see in all of this. And it is idiocy to expect to reverse it. And the man who is shouting himself hoarse over trusts and corporations and swollen fortunes will take his place in history with the men who smashed Arkwright's loom and Whitney's cotton gin and the pamphleteers who ridiculed George Stephenson's locomotive. And our friends who attack the mighty movements of the age are preparing for their posterity no greater pride of ancestry.

But we are told that there is no disposition to destroy the great forms of corporate business but just an attempt to regulate them. It makes little difference whether you destroy them by direct enactment or regulate them to death. In the old practice of medicine the doctor reduced his patient by purgatives, blisters, and bleeding to get the disease out, but the trouble with that practice was that the life of the patient went out with the disease.

We do not want to destroy the present forms of corporate business, but we will discredit them and embarrass them by every law we can invent; we will

## NEW PROPORTIONS

make a public sentiment that will encourage every man who attempts to mulct them; we will sow dragons' teeth of hate in every corporation plant, among the workingmen; we will brand every aggregation of capital and corporate wealth as an octopus or a criminal corporation; we will talk of "predatory wealth," a silly jingle of words; we will urge upon careless-thinking people that wealth is grinding them and that cooperation is synonymous with tyranny, oppression, and gigantic theft—thrift and theft meaning the same thing; and then we will smite upon our breasts pharisaically and say: "Ah, no, we do not oppose the natural and proportionate methods of the twentieth century. We want to, regulate them only!"

It will not be the fault of insidious socialism in high and low places, of yellow journals read by workingmen almost to the exclusion of all other papers, of frenzied magazines, and demagogic agitators if the great invested capital and industries of the land are not destroyed. Certainly there is nothing in present conditions to increase their credit or to strengthen their confidence.

All of this agitation is destructive. And much of the evil that has grown up in the corporate forms has been due to the conflict between them and the inimical forces that have opposed and embarrassed them in legislatures, newspaper agitation, and popular clamor. That there has been much for just criticism no one denies, and that is due not to the form

## THE RAID ON PROSPERITY

of business but to the human nature of business. It is more visible because in greater mass. It always exists and will until the millennium.

But as long as the people are taught, wickedly taught by the agitators of various types, that corporations have for their purpose the robbing of the people and the oppression of the poor, business will be obstructed and the people will suffer the penalty of their folly.

Such attacks, persistent and unreasoning, are not only destructive but the people have to pay for the damage. They pay it in increased price of the commodity if not in decreased wage. They are paying for the riotous attacks of the coal-mine agitators of a few years ago. They will pay for every strike and lawsuit and for the millions now being lost and expended in harassing all forms of business with the politician's investigations. The agitators do not pay it, the corporations will not charge it to profit and loss. It is a plain case of the people fighting their own interests and paying the cost.

It is folly to suppose that corporate business is not directly concerned with the thrift and prosperity of the people. That is its chief asset. Its policy is a large volume of small profits. That is the only way small profits can be profitable. To place prices beyond the ability of the people to pay is business lunacy and destroys those who do it.

There is no form of investment that is happier for the mechanic and workingman than corporate

## NEW PROPORTIONS

stocks of the reliable concerns. He can buy a share or two or more shares and have an investment that earns a wage with him and increases in capital value with the growth of the business. It is better than the savings bank. It is owning the savings bank. In many forms of business to-day he can take shares in the concern with which he works and contribute directly to the success of his own property. Tens of thousands of men who never in any age or circumstance could build a business for themselves can in this way accumulate substantially against the rainy day.

Every interest and common good of our country should prompt all citizens to promote harmony between capital and labor as a work of loyalty, and the disturbance of this confidence by exciting hatred of corporate business, by exaggerating ills of workmen or appeals to passion and prejudice should be frowned upon as treason to the country itself.

The reason given for attacks upon corporate business is that it crushes out the individual and makes it impossible for smaller forms of business to flourish. In this statement it is assumed that this is an evil. But we contend that it may be and for the most part is a positive good. The big ship swallows up the little ships and the dangers and discomforts of the sea; the big trunk line absorbs the little railways and tickets you through. Twenty little shops fighting each other at a loss appear in a great factory with profits.



## THE RAID ON PROSPERITY

Men are incorporated and the man of a small business becomes the superintendent or manager of millions of invested capital. The contention that "individuals are being wiped out" is a strange one in view of the hosts of men who reach successes which if of a subordinate character are immeasurably beyond anything they would have attained alone. Instead of crippling the individual the corporations have promoted him. They encourage men to great achievements by offering the mightiest opportunities since the world began.

To hear the agitators you would suppose that all the rich were ready-made and an entailed class, and that all men must approach success from that side, and that the poor are doomed to be poor. But with rarest exceptions our millionaires and business giants have come up from the ranks of the poor. Nearly every one of them came up over the road of the common toiler and they did not bring the road away with them.

But if it were not so that all men have the opportunity left to them which other men have used, you cannot legislate a common success. You may want a thousand men to do the business that ten men control. But you have got to do something besides legislate the ten men out of business. You have got to make the nine hundred and ninety men in that particular as big as the ten men unless you think that small men are best for the world and its enterprises. You may destroy any corporation you please

## NEW PROPORTIONS

—Standard Oil if you choose. or United States Steel —and the business will not go into the management of a hundred companies and ten thousand men. It will gravitate to its center and be managed by ten men. It is a law as pervasive and permanent as gravitation. The pull of it is toward the center.

It is stupendous folly to talk about giving individuals a chance to act alone by forbidding individuals to work together! It is a very old fallacy. Paul met it at Ephesus when the silversmiths cried out, "By this craft we have our wealth." The new doctrine was going to destroy their craft and trade. But that which filled them with fear has filled the world with the arts and crafts of civilization. We are not to adapt things to individuals but to the common good, and individuals must adapt themselves to such conditions.

I do not exist for the store in my city. The store exists for me and it has no claim upon me if another can serve me better. Its only claim is what it can do for me. If a corporation can do for me more than an individual can, it has the higher claim. The claim is established by service. What shall the individual do? Join the corporation or work for it unless he can find some way to do more for me than the corporation can. The old-time stage driver became the railway conductor.

At any rate it is a piece of insolence for the individual to insist that the corporation shall be dis-

## THE RAID ON PROSPERITY

banded because it sells me goods cheaper than he can. The canal-boat man may as well say that the New York Central shall tear up its tracks because it carries me for two cents a mile and he cannot carry me for less than ten, and the train will take me home in five hours and the canal boat would do it in two weeks by express!

We cannot change the order of things. The law of human progress is not a statute to be revised by Congress. Men are only obeying that law which no man can annul—that has come out of the immutable principles that govern among peoples of differing capacities and aptitudes.

Our Congress and legislators are about a strange business when they attempt to level men down. Transcendent ability is welcomed everywhere except in trade and commerce. But surely we do not expect to help up the men at the bottom by pulling men down from the top. Who are the men who are thought to threaten the country? They are individuals. Do you think, if you displace them, other individuals will prosper? And is the country under more obligation to one class of individuals than to another? Is it obligated more to the independents than to the corporations? Are you going to say to one class of individuals: You have had your success, now give this other class a chance? Do you think that is the province of government? Do you think that men who have to have opportunities made for them by removing other men out of their way are

## NEW PROPORTIONS

going to use their opportunities after they are made for them?

Legislate all you choose, you never can make the great men do small things or the small men do great things. Great men will make small things great and you cannot stop it and you cannot by all the laws of the Solons and Numas of the earth make a small man do a great thing. Every man will work in his own order. If we get misplaced, legislation will not place us. We have got to work out our own salvation.

This new doctrine that you can legislate unsuccessful men into success by legislating successful men out of success is a piece of imbecility that does injustice to our twentieth century. The man who whines that he has no chance because other men have got the trade cannot be helped by law. There will be nothing of him that is not in him, nor for him that he does not do for himself.

The activities of capital are the distribution of the earth's resources and the peoples of the earth, and the practical adaptation of nature's gifts and man's powers. Capital turns rocks, metals, minerals, grains, life, and the forces of all kinds into properties and distributes them to industrious men. It brings forth for them the inaccessible treasures of the earth and compels the infinite energies which formed creation to serve them as do obedient, docile beasts of burden. Poverty is Benjamin Franklin flying a kite among the clouds to catch a bottle of

## THE RAID ON PROSPERITY

lightning. The corporation is Niagara generating a force of electricity which drives the wheels of a hundred cities and makes the lightnings to talk with every continent under the sun.

The measure of our inheritance and the privilege of our achievements are ourselves. We should insist upon the right of being as big as we can be, of doing as much as we can do, of having as much as we can get, provided we defraud no man. And we cannot be made good by being stopped from being what we can be, or doing what we can do, or having what we have got.

The sequestration of man's wealth by direct confiscation or indirectly by an income tax is a doctrine better suited to the dark ages, only no age ever has been dark enough to contemplate it seriously.

When a new Cunarder is built we do not begin a protest and investigate because she is too big for the channel of our harbor or because she will bring the passengers of five great ships across the seas and make tramps of the old-time greyhounds and restrain their trade. We dig our channel deeper and build our docks longer and say, Come on! We will dig as deep water as you can draw and we will float you lengthwise of the North River before we will surrender to anything that man can put upon the ocean!

We had better be digging our channels than cutting down our enterprises. We had better a thousand times explore for the greater uses of corporate capital and ability than spend our time in childish

## NEW PROPORTIONS

attempts to restrict their power and privilege. If we want to reduce "swollen fortunes," we had better look about for new and greater uses to which to apply them in opening ten thousand unemployed and unused resources of our country, and in philanthropy, education, and in promoting common thrift, than in the socialistic insanity of confiscating them above a sum to be set by our Congressmen!

We should dig our channels deep for our trade, our manufactures, and inventions, and man should multiply himself a hundredfold for the new and startling capacity demanded by the new age. It is our business to make way for him, to join forces with him, and to welcome him with all of his powers of brain and wealth, for he is working out the gigantic proportions of a new and last civilization.

It is the utmost folly to suppose that men can be restrained from getting fortunes or doing those things from which fortunes arise so long as the God-implanted acquisitiveness is deep in the constitution, the nature of man. And the size of his enterprises will be in proportion to the resources of the earth and the intelligence and activities of the race.

We have only begun the gigantic corporate business of the world. Millions have taken the place of hundreds of thousands as a measure of wealth. Billions will displace millions before the century closes. The wealth of this country is increasing at the rate of \$10,000,000 a day. Railways are so overwhelmed with the business of this country that

## THE RAID ON PROSPERITY

wrecks are the current news at every breakfast table. Where we have two tracks, we must have four; and where four, ten will be required. We are only on the edge of the development of our country.

Our corporate forms of manufacture and commerce are in their infancy. We are making ourselves a laughingstock for coming generations by our panic over the magnitude of present enterprises.

There is no fear of the new proportions of wealth if equally we accumulate manhood. The only ground for fear would be if the wealth of the world became greater than the men of the world. So long as the man is greater than his fortune and it is only an instrument of his useful purpose, we need have no fear.

The signs are thick about us that such is rapidly coming to be the proportion between the foremost commercial men of this country and their mighty enterprises.

## CHAPTER III

### THE CITIZEN

OUR Nation began by enthroning the citizen instead of the ruler, by making the citizen the king. It placed sovereignty in the people and not in governors or presidents. It arose out of contention against arbitrary authority, and leaped to full strength battling for the rights of the people to rule themselves. When it became necessary for the people to place their representatives in positions of authority they designated them as representatives of the people, as agents selected by the people to do the business of the people, and arranged a plan by which they should give frequent accounting to those whom they served, so that if they were not suitable persons for such business others might replace them. And the people made the tenure of office so short that those intrusted with it were constantly reminded that the only right by which they enjoyed its honors was a choice which could be withdrawn and which might replace them with others.

The citizens always have been greater than the officeholders, for they create offices and select office-



## THE RAID ON PROSPERITY

holders, who cannot select themselves. The people are the President, the Governor. These are names for their will, their authority, and their power, their agents. This is a good reason why they should defend such offices and those who occupy them, for they are represented in them, and their self-respect must suffer by any degradation of the instruments of their self-government. And this is why men chosen as representative rulers can never afford to forget whom they serve.

That remark of one of our governors that "the people want a governor to rule them" was the opposite of the truth. It could be reversed and be true. The people should rule the governor. They make the laws and the institutions and they determine the person who shall be called governor. And he can rule nobody. He can simply act for the people in carrying out their rulership and enforcing under well-defined limitations their laws. He has absolutely nothing that they have not given him. And any assertion of any other authority is a usurpation and an impertinence. Even his discretion is buoyed, an unmistakable channel.

The citizen is supreme. One half and one of the citizens of the State can control it absolutely by the choice of one of their number to execute their will. And they have said what number of the whole shall amend constitutions or make laws. All of the governors and judges and presidents and cabinets combined cannot do it. The people, however humble

## THE CITIZEN

and unlearned and obscure, can do what no persons by virtue of any office or position or wealth or influence can do. And if they do not do these things, and prevent things which they do not approve, it is because they are indifferent and unworthy of their citizenship or have sold to the demagogues the birth-right of the primary and the ballot

In no country on earth has so much been secured to the citizen. What he does not have in the State he gave up to secure greater things in the Nation. Nothing can be taken away from him. And there is nothing that he has surrendered that he cannot recall, nothing delegated that he cannot recover and do himself. No one has superseded him. He may bear the proud consciousness that he is the King, the lawmaker, and ruler. And all that he requires to change institutions and laws is the power of reason to persuade other citizens with equal rights to agree with him within the clearly defined processes of securing such changes.

We have drifted so far away from these simple and primary facts of our citizenship that it is necessary for our thought to be turned to them.

We have these rights and all of their dignity, but we have renounced them almost criminally. It would be criminal were it not that we have felt ourselves so helpless to recover and assert our rights. Adroit men, expert in leadership, professional and skilled citizens in such matters, control us—always with the argument of our inviolate rights, and we

## THE RAID ON PROSPERITY

find ourselves perpetually blindfolded and led up to the same political corral and herded for a hundredth time in the same exciting round-up. We fire bombs and blow horns and clang bells over the success of the demagogues in fooling us again. Making our discovery too late, we plan a reform to justify ourselves. Another politician quickly discovers the state of mind in which we are or in which we are not and prepares skillfully the issue and starts out to arouse the people to vindicate their rights which they lost in the last campaign! Possibly he is a veritable civil-service reformer! That appeals to us, for we do not want office and we want to be protected from the purchase price, the graft, and the corruption of office. We seek to take office out of mere party politics and personal ambition and restore it to its function in the service of the people. We follow the leaders who promise it.

All of this is set forth for us in burning, fist-clinched eloquence and again we are used by a yet more skillful demagogue. Such experiences lead the people to distrust themselves and the worst condition of all follows. They become indifferent, and thenceforth the fight is between politicians for issues that will arouse the people and secure the most successful herding of them at the polls.

This action and reaction goes on. There are times when the spirit of '76 kindles into an ascending and mighty flame and the mere politicians go scurrying before it like rabbits before a prairie fire.

## THE CITIZEN

But it is only a prairie fire. The wind shifts. It soon burns out, for it cannot burn over the same ground a second time.

But there remains the citizenship, the Constitution that secures it, and the liberty that is its arena. They remain if abandoned. We can return to them. We can and we cannot. All of the provisions are intact. They need not to be reenacted. They wait only to be put into operation. But how? That is the unsolved problem in all republics and constitutional forms of government. How can the people rule themselves and not be ruled?

Can it be done by tenure of office? Switzerland is given as an example. Were more emphasis put upon the institution of government and less upon the men of government, were the Constitution and the law magnified, and the executive understood as having no authority by discretion but only by the terms of the instrument, and could the people be impressed with the sufficiency of a few great laws and the folly of overgoverning themselves and excessive lawmaking, it would be a great stride toward that ideal but as yet unrealized condition when the land shall be governed by the people for the people.

There would not be enough in one year's tenure without reelection to excite an arbitrary ambition. And there would be no possibility of that pernicious thing, "my policy," which has wrought at different times so much mischief in this country. And there would not be so much of professional politics in it

## THE RAID ON PROSPERITY

as to exclude the best citizens nor so much of burden as to excuse men best suited to the office by great business training and ability. The system would be the perpetual thing. The men would fit into the system.

Another step toward self-government by the people would be secured by taking thousands of appointments out of the hands of the President, especially judicial appointments, which never should be subject to the will of any officer who may have a personal or partisan interest in measures that come before the courts. And scarcely less the importance in the case of the thousands of appointees who can be used to influence the complexion of nominating conventions and the results of elections.

By leaving such appointments to the chief executive and the advisers whom he may retain and dismiss at will, the people put away from themselves effectually their democratic form of government and substitute for it an autocracy. They permit a gigantic party to be created against them, for this mighty host of officeholders ceases to be of the people. Their associations, their manner of life, their income are from altogether different sources and their arrogance in many cases becomes conspicuous. Defenseless womanhood does not always escape from it. The humble and dependent are crushed by petty martinets.

But if all such appointive positions were kept close to the people, reviewed and inspected by often-

## THE CITIZEN

recurring appointments, a tremendously inciting cause to autocratic tyranny and control would be removed from the executive, and the appointees would retain the responsibilities of citizenship. We place too much in the hand of one man and we make men who serve us in subordinate positions too independent and sufficient by the nature of the offices, by making them depend, instead of upon the people, upon the pleasure of an appointing power which is practically out of the hands of the people.

Nothing is more illustrative of all this than the quadrennial discussions of the complexion of a great convention by which a presidential nomination is to be made. The man in office has been known to defeat the will of the party in power, to say nothing of the people, by securing as delegates to that convention men holding office under his administration or such delegates as these officeholders could secure by the influence of their position.

When a President declares that no man will be permitted to succeed him who is not in sympathy with "his policy," upon what does he base this assumption but this fact, that there is in the field subject to his *civil-service influence* thousands of men who are the servants of his administration and of his ambitions. Such a position is so arrogant and so opposed to the entire spirit, as well as to the letter of democracy, that it would be impossible except for the army of officeholders to whom the appeal may be successfully made. The "policy" of a President,

## THE RAID ON PROSPERITY

so long as we must have it, is the very thing the people should pass upon. A free choice of the incumbent or his successor is the only way that they can pass upon it, but they are informed months before the event that they will not be permitted to say whether it shall continue or not. The kind of successor has been decided. That is settled and no one will be permitted to succeed to the office who is not agreeable to the present incumbent and who cannot be depended upon to carry forward his good work, whether the people like it or not. And the people are not to determine that question, but it will be decided by their servant by the use of their other servants in subordinate positions whom they foolishly have made subject to the chief servant's will and not to their own! Is it wide of the fact to say that such a democracy is a farce and that such government is a tyranny? Intense partisans will evade the question by pointing to the cruelty of tyrants. Tyranny does not always imply the cruelty of the Neros and Diocletians.

There is such a definition of tyranny as "the use of arbitrary power." Though political tyranny need not imply cruelty, it is none the less despotic and its despotism is emphasized by the fact that it is exercised in a Republic. As it only arbitrarily violates an instrument, the principal instrument of government, and for the time takes nothing away that the people in general want nor for that matter take pains to consider, it passes as an eccentricity or

## THE CITIZEN

is praised as a piece of brave originality. In these preliminary stages such usurpations are fairly safe in this country. We are too much engrossed in our business affairs to be very close students of government, and then our "get-there" spirit excuses much to strenuous men. Such conditions only invest political tyranny and usurpation with more danger to the Republic. Precedent becomes the unwritten law.

The acts of this kind attributed to Andrew Jackson are mischievously quoted until this present time. The curse of "To the victor belong the spoils" is still upon the country.

The most serious thing about the betrayal of our citizenship is in the fact that it is at a time in the history of our country when because of our increasing numbers and the varied elements of socialism by immigration eternal vigilance is the only price at which we can retain our liberties. And only a homogeneous people will find unity of thought and a common ground of patriotism.

We are a vast people spread over half of an inhabitable hemisphere. We are from every clime, in every state of crudeness, with every vagary born under the sun. It is possible for a shrewd leader of men to gather a formidable following. There is nothing however absurd that cannot muster to its bugle call cohorts ready to follow to the death the flag, black or red, which it flings to the breeze. These are elements which if amalgamated and assimilated will contribute great fiber to the Nation, but if



## THE RAID ON PROSPERITY

let run wild or left to the spoilsman and self-seeking demagogue will gather force and fury which will require armies to stay them. The obligations of citizenship become a consecration in the face of the dissimilar and fiercely antagonistic elements meeting but not coalescing on our shores.

A similar condition came down upon a Nation once and overwhelmed it. That Nation took up one of those secret foes and reared him from childhood to lead his kinsmen to the overthrow of that nation. It had not a force of citizenship strong enough to oppose to the incoming hordes and direct them and assimilate them.

Our country's safety is in the strength of an Americanized citizenship—native-born, or alien naturalized and assimilated. It must remain in the ascendancy. The protection and preservation of our sacred citizenship is in those who have inherited it, who know what it is in its purity, who have the blood in their veins that was consecrated to it, who have scars from whence flowed blood for it; men who were actually on San Juan Hill and caused it to tremble beneath their mighty march of victory, men who were in scores of battles of our great Civil War, loyal on both sides to a high ideal of citizenship, united now in one citizenship.

Here is where we are to look for the holy war of citizen rights and not to men who never had a country and to whom all government is tyranny and all law oppression.

## THE CITIZEN

Were the conditions simply economic, a matter of irrigation and commerce, it were something unusual as contrasted with past ages. But it is the government itself as a stake which the politicians are putting up. The yellow journals are selling pools on the future of this land of liberty. It is a weak answer of the partisan to cry "pessimism." Count the ships as they come in, not from the intelligent shores of England, Germany, Ireland, Scotland, and Sweden, but many of them from lands of oppression, freighted with the malcontents and anarchists of some of the great countries of Europe, glad to be rid of them on any shores. To such disintegrating forces must be opposed the best manhood and womanhood of the land.

They must not bring in their citizenship. They must take ours. They must not be permitted to break down and override the institutions of which they are ignorant. They must not fall into the hands of professional politicians to be used by them at the price of our liberties.

They are to be valuable to us chiefly and solely for that matter by their citizenship. They will have a place of economic value in constructing and repairing our railways, irrigating our arid lands, opening our mines, and harvesting our enormous products. But in all of this they are machines constantly being displaced by inventions.

What we want most in them is intelligent loyalty, the power to think things to be done as well as to

## THE RAID ON PROSPERITY

do things with the work of the hand. We are in more need of men than we are of animals. Our problem therefore, with the millions increasing the volumes of our census from foreign shores, is how to citizen them. That is accomplished only by being that which they never have hitherto seen, freeborn citizens carrying as a profound responsibility the duties and privileges of self-government, a government by the man for whom it is made.

But the man coming to our shores is usually met at the ship's gangway by a politician with a lugubrious story of the wickedness of the party in power and of the rascality of those officeseekers who wish to get into power. So from him he receives the impression that he has come to a land worse than the one he left, though that was hopeless.

There is a suggestion worth noting in the statement of Pat as he came off the ship with his little bundle on his shoulder and his short-stemmed pipe in his mouth. He was asked what party he would join and he answered: "Be golly, I don't know. I am agin the government!" It does not matter much what the government is, people to whom government has meant oppression are against all forms of government.

It is ours to show the ways of liberty, the justice of a Constitution, the fairness of laws made by the people for all the people, the responsibility for intelligence, the opportunities secured to all men by just administration. The American people must be

## THE CITIZEN

an object lesson to all peoples coming to our shores and the first thing must be not partisanship but citizenship.

A profound sense of responsibility to one's country, the calm patriotism, the quiet, practical, daily loyalty to our liberties is incumbent upon everyone who lives, a sharer of the blessings of our freedom.

The citizenship is not delegated. It cannot be. And it cannot be retained in ignorance of primal facts or with indifference to the acts of those who make or enforce laws.

Our peril is not on the Atlantic or the Pacific. There is no "yellow peril." The foe that threatens America to-day is that archenemy, indifference to our citizenship, by which it is handed over to men who make a profession of keeping it for us and of mending it at will in our absence. In our country an enormous bulk of laws are made annually and a casual observer would receive the impression that the people are in earnest about affairs of government.

We are informed by a municipal club interested in noting the process of lawmaking, that over twenty-five hundred laws were introduced in the last New York Legislature. One fifth of them had received executive approval. As many more were waiting the Governor's decision.

The last Congress passed almost four thousand bills. The total for Congress and a third of the States examined amounted to nearly if not quite twenty thousand new laws, and the fever of this

## THE RAID ON PROSPERITY

craze for making laws gathers strength and the craze increases.

But this must not be supposed to indicate a popular interest. The people have little to do with it. They groan under the burden and the bewilderment. Laws are originated by representatives who must "make good" with their constituents by showing an ample record in Congress and the Legislature. Many young lawyers are sent to these halls. And the younger the lawyer the more laws he will discover for us.

It were a happy state of things if the people in general were so universally interested in the State as to prescribe these statutes even if not one in a hundred were constitutional or practicable. A thousand times better such popular results than the indifference of a dead patriotism, than unquestioning servility to the doings of men who hold office as a trade or calling and who vindicate their pretensions by useless statutes, most of which pass through by bargains between demagogues.

We never shall have seriousness of citizenship until the people maintain it. The feeling of citizenship is essential to its vitality. The proud consciousness of it, the jealousy of it, this gives it force. Too many thousands hold their citizenship as we hold voting membership in a mutual life-insurance company where we vote by proxy. Our laws are enacted and compiled for us. Not one in a thousand men of the country ever reads the laws passed by

## THE CITIZEN

a Legislature and published in his paper. We live by "the common law" and we use less than fifty of them. We are so ignorant of these twenty thousand new laws of the past year that we are surprised when we accidentally and unwittingly violate one of them.

As a matter of self-preservation the people soon will have to utter a protest against too much law-making. They will be obliged to select their representatives upon the issue of doing nothing or doing only such things as the people in convention may require to have done.

He will be a great friend of the citizens of this country who shall find a way of making legislation unnecessary, of reducing it to the minimum, who will appreciate the simplicity of freedom and secure to the people the most unobstructed avenues of intelligent activity for the country's good.

## CHAPTER IV

### RIGHTS OF SPEECH

ONE of the highest privileges of an American citizen is the discussion of the affairs of his land and country in an orderly and rational manner. If he is worthy of this privilege he will speak reverently of the institutions of the country which are fundamental to liberty and progress, and of the high officials who are appointed by him and his fellow citizens to protect the laws and to enforce them and to represent the country in its relation to other nations. If he must take issue with acts upon their part that he believes to be threatening to the present and future stability of the country, invading personal liberty and mischievous to the commercial interests of the people, he will do so with regard to all such matters as principles and acts, and will be incapable of epithets, personal assault, and inflammatory language.

No man can claim justly or successfully the attention of the people who is hostile to the institutions of his country or who attacks with anarchistic purpose the chief executive of State or Nation, the courts or the legislators.

## RIGHTS OF SPEECH

It will be many long years before this Republic forgets that the assassin's brain was inflamed and his pistol aimed at one of the noblest of our Presidents by the reckless writing of the editor of a yellow journal. It will be written into history that William McKinley was slain in a manner that fulfilled to the letter the demands of that yellow-journal writer, and the incendiary will take his place in that awful tragedy in a frightful responsibility with the man who fired the murderer's bullet. If he did not act as an accomplice before the fact, he put forth sentiments and uttered language that found the most complete counterpart in the crazed brain of the assassin. And any man who helps to make a condition of sentiment and feeling against the head of a nation or the judge of a court which calls for any violent actions or that has any logical issue in anything but the established processes of correction by constitutional and lawful order is an enemy of the country, and it is a pity that there is not some way of reaching him with a law as direct and effective as *Lèse Majesté*.

We have to remember as good citizens that we are giving shelter to thousands of men to whom all government has been another name for oppression and these men make a virtue of violent removal of rulers. They mistake the yellow cartoon and coarse, low editorial for the general sentiment of the land. They expect to be applauded by a party with all of the conditions of successful revolution in hand.



## THE RAID ON PROSPERITY

Nothing is more logical to them than the assassin's weapon.

Therefore the man who discusses any policy of the Republic which he would urge upon his fellow citizens and who criticises an administration must keep the emphasis constantly upon the impersonal feature of the discussion as far as possible and upon the constitutional relief in such cases by a sacred franchise.

Ours is a country where remedies are wrought not by an assault upon one man but by persuasion of a majority of the people. Nothing is ever accomplished in this country by removing with violence a man who is the choice of the majority. It is the majority that we must remove by solid and unanswerable argument. The majority must rule in this country so long as we remain a Republic. Those newspaper attacks which called for the death of a President and secured it in the assassination of the great McKinley, as well as all violent methods of anarchism, are treason against the government.

But while all men who discuss our country's affairs must be careful to do so within constitutional limits and in language which a crazy anarchist cannot misconstrue, the privilege of such discussion is undoubted. Our foundations were laid in discussion. Public opinion, which is the final court, makes up its verdict by discussion. The surest and shortest road to tyranny is by the interdiction of free speech. It were better to take large chances with fanaticism

## RIGHTS OF SPEECH

and anarchism than to close the minds and voices of our citizens to the fullest and freest discussion of all National and State questions and all executive actions.

There can be no vote if there is no voice. The one implies the other. Voting is a blind act if it is only a dumb privilege. We are not talked to nor talked for simply in this country. We all have the reserved right of talking back. And the partisan impatience that will not listen is the least intelligent and least loyal form of American citizenship. It is condemned by its insistent servitude of an unquestioning following. Its principles and practices will not bear to be discussed. The affairs of a Republic should be discussed much by the plain people and frequently with them is the soundest wisdom and truest loyalty.

The old days when the state of the country was the constant topic of conversation, the rural arguments of country village groceries, the stump speech and the impromptu debates of the field and the roadside, were the days when American greatness was being created by American patriots and first citizens. It is a mistake to suppose that our Constitution was wrought out of the forges of the men who met in Philadelphia and wrought at the anvils of gigantic argument and tempered their steel with diplomatic compromises. The whole people from the Province of Maine to the Carolinas were one mighty assemblage of thoughtful, earnest, patriotic disputants, as

## THE RAID ON PROSPERITY

was plainly shown when the instrument was finally submitted for adoption by the States. The injunction of secrecy could not withdraw the subject nor silence the universal voice nor prevent a most intense popular interest in a question which penetrated every part of the land even in those times of slow communication and widely separated communities. Had it not been so, what good of those laborious weeks of the statesmen? The people must pass upon that work. Not an article could be made effective until the men of the plow and the shop consented. And their consent was formulated in the forum of their daily toil and in groups where they congregated after the day's labor was over. In the best days of our political life the people have used their voices freely and fearlessly.

It is not only a privilege for men to speak upon public matters, it is a duty. Nothing could be more dangerous than an indifferent acquiescence in existing conditions. Nothing would leave the road open more invitingly to oligarchy. The safety of the Republic is in the fact that every act of legislation, every act of the executive is sure to be reviewed in a white light by unselfish and fearless discussion. He is not worthy to live under good laws who does not defend them intelligently, and he merits the oppression and discomfort of bad laws who hides away from the responsibility of resisting and condemning them. In a Republic the voters must be practical students of its affairs and discuss them. It

## RIGHTS OF SPEECH

is not enough to consent that self-seeking professional politicians go up to halls of legislation and act by proxy for the citizen. The voter should follow him there with clear observation and question him upon his return as an agent in making the laws of the land. It is the representative who discovers that his constituents have their eyes upon him and their mouths full of questions who is careful to give account of a good stewardship.

Our shame is that as the real rulers of the land we have left these matters to those who assumed to be the authority in statecraft and who have reached a degree of arrogance which resents any protest as party disloyalty and brands it with opprobrium, who even sometimes treat a hearing with insolence.

The citizen as other than a part of a machine is being eliminated. He has eliminated himself and one of his most sacred rights is being disputed. He cannot afford to renounce the right of personal debate. To look upon it as less than a duty is disloyalty.

But if a man flatters himself that he can speak freely within the law and in terms of loyal devotion to his country because he is a citizen of a free Republic, he will have a rude awakening. Human nature is not regenerated by political doctrines. Its tendency is intolerance and it receives opposing teachings and criticisms in an inimical spirit.

It will be a startling revelation to the man who presumes to raise an issue that in the freest land on

## THE RAID ON PROSPERITY

earth there are those who will treat with violence any utterances with which they disagree. To them the answer is wickedness, sinister motives, ignorance, or weakness. A right which is treated theoretically as inherent in our form of government is resisted by a certain type of minds as an unpardonable offense. The forum of private discussion is overgrown with the noxious and destructive creeping vines of a subservient sycophancy. Any attempt to enter it and to restore it to its former place in the political discussions of the times is resented as the invasion of vested rights, a piece of insolent assumption. State-ments are not met with argument. Reason is clamored down by angry partisan resentment.

The editor of *Harper's Weekly*, in a recent address, ventured to arraign in fearless, strong terms present tendencies. The collection of replies which he received presented a curious anachronism. They were musty with middle-age intolerance. The merits of the question were not touched. The feebleness and helplessness of slurring resentment was a strong exhibit of the degeneracy that has come upon the country from the days of our fathers through servitude to party interests.

A protest is a violent shock to the complacent partisan mind. It is a startling revelation of how little we differ in the attributes of human nature from that which we condemn in other times. It is the old story of the intolerance of those who profess and claim tolerance.

## RIGHTS OF SPEECH

But nothing could be more inconsistent and strangely defiant of our rights as free citizens than this arrogant denial of the privilege of free speech or impatience with protest. It is so entirely at variance with every principle which we profess in this country and has come about so insidiously that the change is quite likely to be disputed. There are ways of disputing the right in other than arbitrary terms. The clearest evidence of an unfriendly attitude toward private discussion is the reception given to anything not strictly partisan, that has not the approval of the local caucus, the members of which require no badge to designate their assumed office. The independent man becomes a marked man. He is branded as a crank. He is remembered as unsafe from a party standpoint. The wisdom of Solomon would not be welcomed from any other than party sources. The criticism of the recording angel would be voted down in caucus. The partisan press will discredit anything, however indisputable its facts and logic, that can be turned against the party. And as free discussion of principles, statutes, policies so-called, must range afield, and as their merits will inevitably not coincide with any party unless omniscient wisdom has been covered by party organization and declaration, the independent is sure to be odious and to be made to feel so if possible.

It is not strange, therefore, that few men will contend for personal discussion or take the odium

## THE RAID ON PROSPERITY

of it, especially as the adjuncts in the case of equipment are not a perfect gift to all men.

It were a happy thing for the land if there were more independents, more men with thorough furnishing upon civic questions and with facility of utterance.

It probably will be said also that the engrossing contention of affairs of business, the struggle to keep a foothold on the earth is chargeable with the almost universal silence of the people upon questions of state. But this is not an answer. It is more likely to be an engrossing self-interest or a politic timidity. Many men, for such reasons, refuse to touch any public question upon which there is a decided division because of a fear of business loss or of losing popularity in the community.

A passenger waiting on a railway platform saw up the track a car jutting over on the main rails from a siding just far enough to obstruct the passenger train then due. He hesitated to speak because the station master and his assistant must know about it and he might be rebuked for meddling. Too many men in this time seem to feel that they would meddle if they protested about matters given over exclusively to professional politicians. They are quite sure that they are jutting over upon the main line of the Constitution and the law but these are great questions. It may be better not to meddle. There are various views of these things.

## RIGHTS OF SPEECH

That personal discussion is inherent in man and the universal mind must find expression somehow is shown in the fact that periodically it swarms to some thought or doctrine however absurd and spends itself in a vehement protest, not so much because it believes what it advocates as that it disbelieves everything that has ignored it and which it has not had a part in creating.

A Republic should encourage the protesting talker. Nonprofessional debate should be cultivated. Reason and not ridicule should reply. Ridicule often covers the ignorance of him who indulges in it. It is an easy way out of an embarrassment. But the philosopher of political economics, the statesman, will appreciate the supreme fact that in a government by the people the people should be heard, and people answer to people.

For the perpetuity of a Republic and a free citizenship there must be always a solid substratum, a foundation layer of free speech. The pulpit, the political forum for personal discussion must have a permanent place and speak faithfully and uncompromisingly the truth as they see it.

The curse of this land has been and is the timidity with which thousands of men of power and influence face great moral and political issues. The compromise they make with vice, with intemperance, with labor abuses, in fear of loss of trade, of social prestige, and of awakening unpleasant antagonism is destructive to manhood and has encouraged and pro-



## THE RAID ON PROSPERITY

moted these evils until they stalk through the land in defiant insolence.

The sleeping disease is alarmingly prevalent. It was when men slept that tares were sown.

Every form of vice presumes upon the indifference of those not immediately disturbed and the presumption is safe. Silence is *particeps criminis*. We are having conditions that put to shame a twentieth-century civilization because men whisper when they condemn evil. They put their preaching into beautiful rhetoric and sing their faith in sweet poetry. They are not prophets who prophesy until God breaks the rocks in pieces.

In Elba, among the mountains of the Adirondacks, is a mighty boulder that the Almighty sent there by the glacial drift for an imperishable monument to the courage of the honest convictions of a plain man of plain speech. Whatever may be the opinions of men as to the wisdom of the acts commemorated in connection with them, they revere that man for his courage and the consecration of his life to an unselfish purpose. The times of John Brown did not confer with flesh and blood. The men who did passed as the dust is blown by summer winds. The men who did not counsel with a tampering prudence but took obloquy from their neighbors and friends lie in graves that are shrines to which thousands make their annual pilgrimages.

One day a man reared among these mountains said to me: "I was requested to join John Brown's

## RIGHTS OF SPEECH

raiders and go to Harper's Ferry but I asked, "What will you be doing when you get there?" and when they said they didn't know, I told them that I didn't go anywhere where I didn't know what they would do when they got there!" He will have a grave some day and it will be like the millions of other graves—a generation and no one will look at it. He will have lived a life which he saved and lost. Over by the boulder is the dust of men who lost lives which they saved, and the ceaseless generations will feel the power of their fearless souls that go marching on. It is dangerous to deny the right of speech to honest, patriotic men even though it be premature and mistaken in the judgment of human prudence.

The prudent, careful, judicious, self-preserved men are like pebbles rolled around on the beach by ceaseless coming and going tides. The world wants men who are jetties of granite pushed into the sea to channel its harbors and its commerce and define its morals, men who "count not their lives dear unto themselves." They are made sometimes by war and sometimes by great exciting moral issues. And some are worn smooth by the tides of thought which they do not resist, controlled by men of fiercer will and strenuous action.

What shall be the making of our young men of easy-going temperament if the general sentiment of loyalty does not awaken them to an earnest discussion of their country and a patriotic defense

## THE RAID ON PROSPERITY

of the Constitution and the institutions which they have inherited from sturdy men of sturdy times?

Let those men who gnash their teeth and surge against the chains that hold their tempers in leash remember that they are not of America. The man who understands the first principles of a Republic will welcome every voice that is evidently loyal and devoted to the public good. He will suppress nothing that is forced out of honest convictions and high purpose.

The wisdom he will question, since no man is infallible. The wisdom he will question with wisdom, however, and not with folly of passion or partisan hate. To the man whose voice he opposes he will accord the privilege which he assumes for himself, that the freest interchange may be obtained in a land where every man is an integral part of the ruling power.

But any man with a just and valid claim upon citizenship will never be deterred by the reception which his convictions receive by intolerant minds. He will ask two questions only: Are they true? Ought they to be said?

In the present conditions, more alarming than the Civil War, more threatening than any political fallacy that ever has agitated the country, the encouragement is in the signs of an awakening discussion among the people at large. What was thought to concern the millionaires and the great corporations only, with whom through ignorant prejudice there

## RIGHTS OF SPEECH

was little sympathy, is now seen to have a vital relation to all forms of trade and investment and to follow the citizen into the courts of justice, where any day his liberties in some form may be called in question.

What he has left unquestioned and beyond his practical thought as fixed principles, concerning himself with them no more than with the stars or the tides, he is slowly but surely coming to see profaned for political uses, and made by processes of constitutional stretching and extension to cover all sorts of civic vagaries.

That he will not blindly submit to the quarrying of the very foundation stones of the Republic for the purposes of this new and bizarre structure of political economy is as certain as his intelligence and his loyalty. The plain citizen has not abdicated. He has been careless. He has been mesmerized into a strange infatuation that magnifies a man above law and Constitution and the institutions of clearly defined government, but he will awake and he will speak.

That is an old fallacy that "the voice of the people is the voice of God." Quite as often the voice of God has opposed the voice of the people. It has happened sometimes that the voice of the people has been a voice of bondage, a voice of drunkenness, and a voice of cowardly prudence. It has been a voice of selfishness and not of God in righteousness. Speech is more likely to be the speech of

## THE RAID ON PROSPERITY

freedom and of reason when it speaks alone than when it is an echo rebounding with the popular acclaim, because there is nothing more certain than the perverting influence of the traditions of men. There are political parties, as there are religious organizations, which bear ancient and honorable names but which have no other resemblance to the mighty thought which framed them and gave them their efficient power for generations before they fell into the hands of the Philistines. It, therefore, is not a sure sign that he is right because he agrees with the multitudes or wrong because he differs from them. Even mathematics are a growth and a development. They would be opposed if there was any competition in them. The mind must hold itself open and the tongue must give a reason for the hope within.

Sometimes it requires the courage of faith. It is not difficult to shout a victory which other men have won. It is a test when one hears the victory of his cause within himself and commits himself to it, sure that what he sees alone will be seen by others in times to come.

There must be much seeding of speech. It often must be cast out to take slow root and tarry long with small promise before it bears fruit. There is no lack of men to shout with the crowd. There is great lack of men who will stand alone and sacrifice to a principle with greater joy than they receive even just applause. The greatest and most intensely satisfactory applause is sound principles firmly vin-

## RIGHTS OF SPEECH

icated and fearlessly defended. Nothing so impoverishes manhood as the exchange of such principles for the pottage of sycophantic approval or the barter of preferment.

The fearless, reverent position taken for truth is sure to be vindicated, and, if it were not, there is something infinitely more important—the truth is vindicated.

There should be no deterrent in impugned motives. For one's own security it is not necessary for him to prove to others the sincerity of his motives and his acts. And it would be a futile effort to vindicate himself with that lowest specimen of all moral depravities, the anonymous accuser, because such a one embodies the unworthy things which he charges and declares the consciousness of his own low motives. This is his righteous judgment!

The man who exercises free speech must understand that it is a challenge. It will be protested. The only thing that ought to concern him is the answer of fact and of sound reason. Slurs, impugned motives, are always a concession. When there is nothing more to be opposed to one's position, it may safely be assumed that that position is impregnable. It will not do to say that it is not worth answering. We are bound to answer a respectable contention or yield to it. The man who cannot be answered has the right of way; the man who can be answered must step aside.

The individual champion of a cause is more

## THE RAID ON PROSPERITY

likely to have thought seriously and safely than the blind followers of partisan leaders. The world's history is strewn thick with such incidents. Nearly all of the great issues have been lamentably in the minority and the men who have stood in the front of them have had to bear obloquy. The great consideration is not the voices of to-day but the voices of the to-morrows into which will be streaming the light of accomplished facts.

It is safe to assume that the voice of progress will be vindicated by the ages. To protest small concepts, to champion great proportions is sure prophecy. It is out in that direction that we find the purposes and plans of God. It is out in that direction that we follow the orbit of large and noble human events.

The right to be heard is inherent in man and fundamental in his free land. The right to be followed must depend upon what reason and sound arguments he makes known.

If no age, neither his own nor any succeeding one, hears him, he has spoken in vain. If he utters truth and wisdom, somewhere at some time it will accomplish that whereunto it is sent. It will not return void. If it proves to be a mistake, nevertheless he who speaks his convictions has the ennobling satisfaction of having obeyed the command of duty as he saw it.

## CHAPTER V

### REACTIONARIES

**T**HIS is a time prolific in odious phrases and titles. We have the "Octopus," the "Predatory Wealth," the "Swollen Fortunes," the "Monopolist," the "Reactionist," and others. They are aimed at those persons or businesses that have become victims of one of the world's strange fanaticisms.

The Reactionist is a term applied to those who take issue with what they believe to be an abuse of the Constitution and an arbitrary invasion of personal rights. Why it is given such an application I do not understand. It certainly is not by its legitimate definitions if it is meant to express any revolution from constitutional forms of government and the established order of things in the commercial pursuits of men. If the word is dissected, it means to act back, and the example given is the reaction after a period of democracy to the principles and practices which that democracy contested and supplanted. Its appropriate use, therefore, is in the description of that autocratic and arbitrary practice



## THE RAID ON PROSPERITY

which has been introduced into the administration of our democratic government during the past two or three years—unjustified by precedents of war and in a time of solid financial stability and unprecedented prosperity.

The Reactionists are the men who advocate “stretching the Constitution,” who officially rebuke judges of the courts, who usurp legislation by dictatorial messages from the executive office, who attempt to force receiverships as instruments of prosecution, who prosecute men in defiance of the *ex post facto* provision of the Constitution, who condemn men and prejudge them as undesirable citizens when their lives are in the judicial balances, who arraign men as criminals and then set in motion against them the machinery of the Federal Courts and prosecuting department, who insist upon branding men as guilty who never have been indicted even in the cases alleged—as notoriously characterized a Federal Court within the past summer in a great corporation case—who sentence men for alleged military offenses without evidence and without hearing, who investigate great business interests for alleged offenses and with a blare of trumpets condemn them—the innocent and the guilty alike—in all of the markets of the world, who by enforcing an impracticable law which the President has said would reduce business to chaos—a law which had lain dormant since its enactment because unjust, a law forbidding combination in business that has been the

## REACTIONARIES

business practice of the country for a generation—and who upon such a law send business men of unquestioned integrity to jail, who threaten to interpret the Constitution so as to evade the reserved rights of the States and to establish paternal government by the subterfuge of Post Roads, who by agitation in speech and the public press disturb values and depreciate the properties and investments of millions of our people, both the rich and the poor—these are the real Reactionists.

And this is reaction such as the history of the world cannot show, because it is against the most perfect form of democracy that men ever have seen. It could not occur in Russia or Turkey, for there is no democracy in those countries to react against. It becomes alarming simply from the fact that it is tolerated thirty days in this country, to which such things never have been known since the Constitution was adopted.

To say that men who protest and raise a warning voice against these monstrous violations of constitutional rights are Reactionists is characteristic of the whole high-handed procedure. It is of a piece with the cry of the "Millionaires' Conspiracy," invented to silence the just protest of men who are being harassed and whose business is being ruined under the cry of predatory wealth.

It is the charge of a reactionary administration that a class of men are plotting to change a political policy and therefore they are enemies of the people,

## THE RAID ON PROSPERITY

as though the Constitution guaranteed to any of our officials, however high, the right to continue a "Policy" and to silence objections to the same upon the part of our citizens by crying conspiracy.

I submit that it is not the men who contend for the old order of government, that has stood firm as mountain foundations for over a century and that is the astonishment of the civilized world, who are the reactionists, but it is the men who are reacting back to an oligarchy and autocracy by raising issues which blind the people and who are appealing to class prejudice, which rallies every form of discontent and hate, of anarchy and socialism in the country. Such men are the reactionists. Men who would have a government by men and not by law—men who would give government over to the discretion of an executive and substitute star-chamber commissions for the grand jury and the courts.

It is astonishing that conservatives, that sturdy and unyielding patriots of the constitutional government of their forefathers are reactionists. Against what are they reacting? Certainly not against the Constitution, surely not against the interpretation and administration of a Jefferson, a Madison, a Lincoln, or a Washington. Not a thin shadow made by the exigencies of war falls out of any past administration as a precedent for the astonishingly arrogant practices of the present hour.

Washington, writing to John Jay, says: "Let . . . every violation of the Constitution be repre-

## REACTIONARIES

hended. If defective, let it be amended, but not suffered to be trampled upon whilst it has an existence." There is no intimation here of the expediency of the reactionary stretching of the Constitution or of usurping the authority reserved by the States under the pretense of Post Roads or of appointing receivers to manage private business confiscated by the government in time of peace.

But if the men who protest against the abuses of our constitutional government are Reactionists, have they not a right to react by every argument and persuasive influence that they can use? How long since it came to pass that citizens must calmly acquiesce in things honestly believed by them to be destructive to the Republic? What consummate arrogance if not insolence that covers itself with an armor of undisputed authority and hurls epithets at men who point to the Constitution and the law, and not men as authority and government. Such reaction is patriotism of the highest order. If it be a Reactionist to contend for the government given to us by the gigantic labors of those summer weeks of 1787 and acclaimed by the mighty voice of the people as one State after another adopted it, then no higher civic honor could be worn by an American citizen; but if to be a Reactionist is to dig under any stone of that foundation or to substitute for any part of the sacred structure a forced and false construction, or to misuse it as a fortress of arrogant discretion and arbitrary assertion of government by men instead of by

## THE RAID ON PROSPERITY

law, of government by commissions instead of by the frequently chosen representatives of the people, then to be a Reactionist is to be classed with the foes of our government, whatever may be pleaded for errors in honest intentions.

The Reactionist against the Constitution, who presumes upon any liberty with it or to ignore it in any particular, strikes at the only source of authority in a country like ours.

Authority was not given to men but to law, and men were made custodians of the sacred laws. They cannot go a step beyond the law. The minute they do so they unclothe themselves of authority. The law has no moods, no whims, no eccentricities, no passion, no conceits, no personal vindictiveness and petty spites, no policies and partisan ends, nobody to elect either Governor or President. It has no quarrel with anybody. It can be trusted to rule. Men know what it is because it is always the same while it lasts, and if amended they know what it is and that it will be made certain and sure.

We do not know what a discretion will do for us. We know the fallibility of men and that our founders protected us against them by making law and not men to rule us.

The great men of 1787 created coordinate forms of government and made them separate and independent and a check each upon the other, and to quote the words of John Fiske, singularly appropriate to this time, "If either one should ever succeed

## REACTIONARIES

in acquiring the whole sovereignty, then they thought there would be an end to American liberty."

To quote Fiske further: "If the day should ever arrive (which God forbid!) when the people of the different parts of our country shall allow their local affairs to be administered by prefects sent from Washington [Commissions?] and when the self-government of the States shall have been so far lost as that of the departments of France or even so far as that of the counties of England—on that day the progressive political career of the American people will have come to an end, and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever.

"I do not think that the historian writing at the present day need fear any such direful calamity, for the past century has shown most instructively how in such a society as ours the sense of political dangers slowly makes its way through the whole mass of the people, until movements at length are made to avert them and the pendulum swings in the opposite direction." What would John Fiske say of the government by prefects sent from Washington to govern the local affairs of the people in transportation and trade to-day! Would he say that those men who have some sense of political dangers are simply reactionaries to be snuffed out by an ultrapartisan press?

Precisely the thing that our forefathers guarded against has come to pass in spite of their wise pro-

## THE RAID ON PROSPERITY

vision. By an attempt to control Federal Judges, and by dictating legislation it is sought to vest the "whole sovereignty" in one form of the government. That "palladium of liberty," "the separate and distinct offices" of the government is practically a fiction both in the national and in the State government.

John Fiske, in writing upon this ideal form of government, said of the result of the convention that gave us the Constitution: "Thus at length was realized the sublime conception of a Nation in which every citizen lives under two complete and well-rounded systems of laws, the State law and the Federal law, each with its legislature, its executive and its judiciary, moving one within the other noiselessly and without friction. It was one of the longest reaches of constructive statesmanship ever known in the world. There never was anything like it before, and in Europe it needs much explanation to-day even for educated statesmen who have never seen its workings. Yet to Americans it has become so much a matter of course that they, too, sometimes need to be told how much it signifies." And the need never has been emphasized more than now.

I wonder if John Fiske would think to-day that there is no need that the historian warn us of the danger of a concentrated sovereignty, of the possibility that the people will allow their local affairs to be administered by "prefects" from Washington! The choice of their very representatives in some instances has been dictated from Washington. Their

## REACTIONARIES

candidates for Governor must please the authority at Washington if they hope for election.

And those who protest against such invasion of local affairs are Reactionists! We are warned that the principal streets of our cities may be taken in charge as Post Roads for interstate purposes, our local business may be condemned and placed in the hands of receivers and managed by "prefects" from Washington if the administration can secure the sanction of the courts! And an objection to this high-handed governmental piracy and an appeal to the Constitution is reactionary!

That was a singular prophecy of Macaulay in 1857 when in discussing our destiny he said: "It is quite plain that your government will never be able to restrain a distressed and discontented majority. For with you the majority is the government and has the rich, who are always a minority, absolutely at its mercy. The day will come when in the State of New York a multitude of people, none of whom have had more than half a breakfast or expect to have more than half a dinner, will choose a Legislature. Is it possible to doubt what sort of Legislature will be chosen? On one side is a statesman preaching patience, respect for vested rights, strict observance of public faith. On the other is a demagogue ranting about the tyranny of capitalists and usurers and asking why anybody should be permitted . . . to ride in a carriage while thousands of honest folks are in want of necessities. Which of the two



## THE RAID ON PROSPERITY

candidates is liable to be preferred by a workingman who hears his children cry for more bread? Here [in his own country] the sufferers are not the rulers. The supreme power is in the hands of a class, numerous indeed, but select, of an educated class, of a class which is and knows itself to be deeply interested in the security of property and the maintenance of order. Accordingly, the malcontents are firmly yet gently restrained. The bad time is got over without robbing the wealthy to relieve the indigent. The springs of national prosperity begin to flow again; work is plentiful, wages rise, and all is tranquillity and cheerfulness. Through such seasons the United States will have to pass in the course of the next century, if not of this. How will you pass through them? I heartily wish you a good deliverance, but my reason and my wishes are at war and I cannot help foreboding the worst."

We believe in the sufferers and the prosperous being rulers together, but in such times as shall find the sufferers in the majority we need "the statesman preaching patience, respect for vested rights, strict observance of public faith." With such statesmen and such reverence for law and the constitutional rights of men to personal liberty, to property, to the pursuit of business and happiness, we are in no danger. Such statesmen have carried us through as serious agitations as are threateningly portrayed by Macaulay. •

But it becomes quite another aspect and one

## REACTIONARIES

that justifies his "forebodings" when statesmen are displaced by "demagogues ranting about the tyranny of capitalists" in the exciting language of "swollen fortunes," "predatory wealth," and "tainted money."

The administration joining itself to the malcontents and inviting them into its cave of Adullam in a time when every man's dinner pail is full, with its sympathy freely and excitedly given to attacks upon the railroads, the enormous industries carried on by massed capital, and the corporate forms of business beyond certain socialistic limitations, though these provide hundreds of thousands of men and women with work at higher wages than men ever have received for manual toil, has brought the cloud into our sky that Macaulay saw, and it is much bigger than a man's hand. Whether it shall gather to itself as a storm center the furious elements that have hitherto been firmly but gently restrained is to depend upon whether statesmen or demagogues are to control in this country. With the type of statesmen of Lincoln, Harrison, Cleveland, and McKinley, we should have nothing to fear. With the present agitating and eruptive administration and with the chief voices of the other political party echoing the same "ranting about the tyranny of capitalists," we may expect a revolution which shall become a conspicuous date in history unless the sober-thinking people awake to an imperiled inheritance.

The aid and sympathy given by political leaders

## THE RAID ON PROSPERITY

for political purposes to a socialism that has been straining at its leash in this country for a generation is appalling. It is insanity. Has anyone heard any protest by the anarchist and the socialist against the political doctrines now being preached by presidential candidates and being enforced by the prosecuting machinery of the country?

When a dozen great business men are compelled to travel to a court one thousand miles away in the discomfort of midsummer heat, and at the abandonment of interests which circuit the globe, when but three of them were called to testify and their testimony was inconsequential and utterly useless for information as the court already possessed it and the judge could have received it by affidavit as well if not better than orally, what was the justification of this tyrannical and sensational procedure by many leading partisan newspapers which felt that an apology should be made? They said that it would show the people that the rich as well as the poor must obey the law. Did anyone doubt that who had the intelligence to appreciate such a showing? What was it but an attempt to secure the applause of the socialistic element of the country at the expense of citizens made odious for the purpose of this show?

The Reactionists are playing to the gallery, and the gallery is becoming dangerously crowded for the safety of the structure of the body politic. Justice, statesmanship, citizenship, are being played as a farce

## REACTIONARIES

to excite the applause of the unthinking or the angry thinking.

De Tocqueville, in his "Democracy in America," has said: "In America those complaints against property in general which are so frequent in Europe are never heard, because in America there are no paupers; and as everyone has property of his own to defend, everyone recognizes the principle upon which he holds it." He did not foresee the time when the increase of property by some would excite envy and prejudice upon the part of the many and a doctrine of equal division would be preached and the politician would use elements of discontent to advance his purposes. He did not see that a time would come when our very prosperity would be made ground of complaint and men would seek to destroy the opportunities of riches, and set a bound to the capacities and resources of their fellow men.

In no part of the world, in no period of history has there ever been excited such unjust hatred of the rich and such an effort to embarrass the accumulations of great fortunes. Even the President of the United States joins his voice in the well-known phrase, "swollen fortunes," and proposes their sequestration to the State by a class tax. What is this but reaction to that period in human history which is too near to be forgotten so soon?

The falsely called Reactionists are the hope of the country, and their numbers are hopefully increasing. They refuse to give up the ship to pirates who seek

## THE RAID ON PROSPERITY

its command that they may destroy it. They warn those now in command that compromise with the enemies of constitutional government or with those who would bend it to their theories, that the encouragement of class agitation and the hatred of the rich and of the great utilities is far removed from common prudence, is lacking in every element of sound statesmanship. It is a political course which has given more encouragement to the dangerous element of our country than have all the reinforcements from Europe in a generation. Doctrines advocated on the platforms of the anarchists are the extreme of dangerous folly.

To plead for it that such a course was necessary to pacify the increasing socialism of the hour, that but for the persecution of the rich and the assaults upon corporate business we should soon have been in the hands of the socialists, is as untrue to historic facts as it is puerile in both reasoning and courage. It is a strange application of doing evil that good may come.

Have we become so enervated, so servile that we can no longer oppose sound principles to rotten ones, that we can no longer array our constitutional forms against the assaults of the chameleon socialist who clamors against the freest land on earth as despotic and against proportions of commerce, which his little brain cannot grasp, as oppressive to the poor? Must we make terms with him? Are we to be degraded by being told in the cowardly sophistry of certain

## REACTIONARIES

editorials that we must "stretch the Constitution," that we must anticipate him in assailing our institutions, that we must pacify him by putting our business men into jail or fining them for too successfully competing in the business enterprises of the twentieth century?

Shades of our forefathers! Would that they would pass that we might see what men were before they skulked away from patriotism and the responsibility of a definite and positive citizenship into mere trickster politicians bartering every principle for the pottage of a compromised power and dignity.

There must be patriots enough left in our country to resist successfully even in these times the violent and reckless passions which, Phaeton-like, have taken the reins and care not where they drive if only men will applaud their reckless skill in lashing on their steeds of fiery and ungovernable spirit.

There are those who must be pardoned if they prefer the old highway, the old constitutional team, and a driver who cares more for safety than for speed.

## CHAPTER VI

### STRETCHING THE CONSTITUTION

**A** PROMINENT college president has recently traced the changes which have taken place in the exercise of the office of the President of the United States. Whether these are in the direction of improvement and progress he does not tell us. The changes are so apparent that it was not necessary to describe them. What is of vastly greater importance is to show us that they have been created by sound and safe governmental evolution, that they are the result of law by the expansive and logical application of the Constitution and are therefore wise and helpful, or that having grown up by arrogance on one side and indifference on the other they are a serious menace, a mischievous invasion of constitutional right and a disorder of the coordinate branches of government which should be resisted and removed as dangerous excrescent growths.

And what would be most important of all is to show us, if these changes are not lawful, how we can safely retrace our steps from the treacherous quick-

## STRETCHING THE CONSTITUTION

sands. We confess that we cannot understand how the President has taken to himself any large prerogatives and added numerous special functions to his office by mere lapse of time or by an executive assertion not prescribed in the Constitution. What he is and what he can do have been created for him. He can add nothing and omit nothing. If he is more than the chief executive officer of the government with clearly defined duties and limitations, it would be interesting to know how he became what he is, and secured the right of doing the things he does that are extraconstitutional. Who gave these things? Who permitted them? If he has taken them, he has exceeded his right and his oath of office. If the people have given them, there is but one way that they had the right to give them. They have no right or privilege in any other way than by clear and unmistakable law. If they concede them because of their indifference to such matters or because of the popularity of the President who arrogates them or because of the unpopularity of contesting them, it is simply a case of disloyalty to our constitutional form of government. The old maxim that "eternal vigilance is the price of liberty" is being forgotten.

It is true that conditions in this country are most favorable to official arrogance and aggression. The Nation is absorbed in matters of gigantic development, in invention, in science, and in the arts. It is attaching far less importance to government as



## THE RAID ON PROSPERITY

such than in former times. The great political parties have no distinct creeds or issues. For years it has been a mere question of ins and outs and everything has been used to those ends—money, tariff, taxes, immigration, until now both parties are growling over the same bone and contending as to whose it is by right. The Democrats say it is their bone, and the Republicans say, "We got it first." The serious part of it is that it is a live bone and the gnawing of it hurts the whole country.

The contention of reform is not for reform but for votes. It is a mighty political stroke, the greatest the demagogues of both parties ever have made. It appeals to that pharisaical moral pretension of human nature which blinds men to themselves and to the motives of their reckless leaders. We go on therefore with our absorbing pursuits and leave the moral cleansing of the land to the political reformers. To contest them would be self-condemnatory, a straight plea of moral obliquity, therefore whatever the liberty they take with such an antiquated thing as a Constitution is a small matter. It is for "the people's rights," therefore who shall protest?

The mighty majority of our citizens are not sufficiently concerned with the great corporate business interests of the country to awake to self-defense. They cannot be expected to see far consequences, especially when car fares and freights and prices of corporate products are attacked. It is such things that appeal to the average interest.

## STRETCHING THE CONSTITUTION

It is such a pleasant thing to see the world's wrongs being righted when we are not the sinners! And then it is a novel way of regenerating a people that we have fallen upon, and we are a great people to try novelties. It used to be thought that you must get at a man's motives and ideals and in that way lift by a great ethical force the common sentiment of honesty, but here comes a new doctrine that depravity is in corporate forms and subject to railroad rates—a fact that has been strangely overlooked by moral philosophers until this administration.

Now you take a country full of business of infinite variety and amazing prosperity and a government that proposes to take care of all the moral aberrations and adjust all of the variant conditions of the nations of the earth and the people are not going to be sensitive to the violation of constitutional prerogatives. It is easy to answer all of that by saying, "Well, it ought to be lawful if it is not." Of course that is the doctrine of a mob that hangs a man. And that is what a people becomes when it disregards the constitutional order of government and substitutes personal leadership. Never has there been a time when it was easier for an Executive to justify despotic departure from our honored institutions and when the people would so readily consent to it. No adventurer of the *coup d'etat* ever had a happier conjunction. Indeed, the form need not be changed since both parties in their mad

## THE RAID ON PROSPERITY

revelry of reform consent to the change of the essence.

For many months we have been under a monarchy in everything but the name. How long will the country continue to be so absorbed in its selfish indifference that, having eyes, it will not see? The change of the presidential prerogatives is going on. How much farther could it go and retain a semblance of what the Constitution provided it should be?

One of these changes involves our judicial rights and personal liberties. Recall an example or two. The President of the United States for political purposes arraigns a great business of the country by message, without jury, without indictment, or any processes of law except an *ex parte* report of an inexperienced commissioner, with no opportunity upon the part of the accused to be heard. The men of this business are branded as dishonest and their business is outlawed. Was ever such a thing known in this country? Was there ever anything more despotic in this country? That message was a notice to every Federal Judge in the country that the merits of his decision in this case would be noted in the White House. Every juryman in the country has been told how the verdict should be made up.

The enginery of prosecution is set in motion. A test case is to be heard. Two days before the hearing the Bureau of Corporations, one of the President's big sticks, makes a report of a startlingly

## STRETCHING THE CONSTITUTION

damaging character, much of which was subsequently proved untrue. Was this a coincidence? The accused and condemned (by message) corporation is dragged fifteen hundred miles from its incorporated headquarters, away from its books, documents, and witnesses, into a State which has always been notoriously hostile to its interests. Was this a mere incident without unfair and dishonorable intent? Was it the famous "square deal"?

It certainly is a mighty change that has come over our presidential office when it becomes such a prosecuting, not to say persecuting, instrument.

Perhaps it will be replied by partisans that nothing of this will influence the merits of a decision in the case. But it must be conceded that it is at least unfortunate that judges appointed by the President and partisans, at least in some cases, among jurymen should know the opinion and declared feelings of the President in cases to be adjudicated. There always would be a question in the event of conviction as to who decided the case. And it would be emphasized by the fact, never to be forgotten but it is hoped never to be repeated, that a certain judge was rebuked and disgraced in that rebuke for deciding a cause contrary to the Executive's wishes or notion of the law.

The Constitution very clearly defines the law-making bodies, and to make these laws, the country elects several hundred men from all parts of the land, representing the entire country's needs. The

## THE RAID ON PROSPERITY

making of laws by these bodies has become a fiction. We are told that no law can be made without the consent of the President. In times past Congress has had sufficient courage and self-respect to pass an act over a veto, but now it is so obedient to its master's will that it does not do anything that is likely to be vetoed. We are told by the college president referred to that our citizens interested in legislation no longer go to congressmen and senators with their requests, but they go to the White House. The President has taken the patronage and the congressmen have yielded it gracefully.

We have a Douma at Washington which must be careful how it acts or, like the ill-fated Wadsworth, its members will not come back!

Yes, it is a prodigious change in the presidential prerogatives. But one cannot help thinking what might happen if the mighty worthies of a generation ago were to walk back into those legislative halls, the windows of which are open now so reverently toward the White House.

It will be said by some in justification of the mighty change that we get better laws and their better enforcement. That impeachment of the great past will not stand. But if it would stand, it is a dangerous bit of reasoning, for it will not always be that we shall have one man who is wiser than all men. Our next President may be simply an ordinary man.

Our safety is in getting back to the Constitution

## STRETCHING THE CONSTITUTION

as soon as possible. How to do it is the question. A liberty taken becomes too often a right asserted. It is making law by usage and it goes on until the opposition is silenced.

The only secure form of government is by the written instrument, and the man who is to obey it is not the man who should be trusted to interpret it. The wisdom of our fathers was prescient. The people through their representatives were to make laws. The laws were to be interpreted by courts. The laws were to be executed by a man of themselves chosen for that purpose. The laws were made by many men, and they were passed in review critically. They were the result of the best thought of the ages. They have survived party passion and self-interest. They have responded to the judicial test. They can be trusted. If a change is to be made it is under such careful provisions as to safeguard against hasty and ill-considered action or personal abuse of privilege. A man is sometimes fallible, impulsive, self-interested, conceited, and vain. His wisdom is partial. There never has been a man on earth who could be trusted with unlimited power. And it becomes less possible as a Nation increases in extent and complexity of interests.

The man who could be most trusted is he who will use the wisdom of the mighty men whose wisdom set the bounds of government. And he who can be least trusted is the man of such exalted self-reliance as to chafe against the restraints of con-

## THE RAID ON PROSPERITY

stitutional limitations and declare that they must be reversed "if they mean the people's wrongs."

Our Constitution should be revered like our Bible, and if it is to be revised the revision must be done by the authority of legally constituted revisers, by an authority created by the people who create presidents and, therefore, as a people are greater than presidents. No public servant of the people should be permitted to trifle with the people's authority in a clearly expressed mandate. Great emphasis should be placed upon this because of the tendency of our times to substitute men for institutions, the popular leader for ancient law. It is a time when the bright man, the bold man, even the audacious man with a following compels the right of way. The question is not whether he is going according to law. It is enough and a better thing that he goes, that he brings things to pass. That, unfortunately, suits the American temperament. That may do in given cases. The results may seem to justify it. But it is perilous, as I have remarked, because it comes to be a precedent which is an unwritten law for men whose liberty is attended by disaster. The unwise man sometimes succeeds to office in our form of government.

Mr. Lincoln, we are told, as an apology for recent events, did an extraconstitutional thing with a judicial decision upon a Civil War issue. It has been justified by the result, but its aftermath appeared long years after in the impulsive and injudicious re-

## STRETCHING THE CONSTITUTION

buke of Judge Humphrey under circumstances that no judicial mind can uphold or excuse.

Can anyone tell the exceptions or extensions that are to be made or how far afield we shall wander if any liberty whatever is to be taken with the prescribed bounds of an office? If any single liberty can be taken, why not every liberty? What prevents any other changes being made in the same way that changes freely admitted have been made? Are Presidents to change their official functions to suit themselves? President Wilson tells us that the President is a leader of the people. Who made him a leader of the people? There may properly be a leader of a party and leaders of the people, but it never was intended that a President should lead the people. That is an office in which the incumbent must be the servant of the people and take his commands from the people and go no faster than the people have declared their purpose. Even the terms upon which he can advise them are prescribed. He cannot rule them. It never was contemplated that he should use the rewards or threats of his office to enforce his advice upon Congress, or his rebukes to intimidate courts. He is to execute the will of the people declared in constitutional and statutory forms. The arena for a leader of the whole people or any party of them is in the Congress or the forum.

It is not possible for a President of the United States to put his thousandfold reenforced personality



## THE RAID ON PROSPERITY

into the determination of causes, into investigations of suspected evils of forms of business, and into condemnatory utterances upon private affairs without doing great injustice, often precluding the possibility of fair and judicial procedures. He is the one man of the country who should remain silent upon questions to be adjudicated by the courts—as much so as the Chief Justice.

The change which has taken our chief magistrate into the work of a chief detective with gigantic bureaus of informers and a corps of special investigators is as amazing as it is unconstitutional. We cannot believe that it is a change that was contemplated by the country's founders as a possibility of the presidential office. It is not a change upward. It is a change downward, a degeneracy undignified, and disturbing in the nature of the case to all interests that can be brought into executive purview. Who next and what next is the text of common conversation. Can it be best for the country? Is this disquiet and unrest wholesome, bettering to the conditions of business, and contributing to the happiness and prosperity of the people?

Is there anything in present conditions that have not always been, wherever human nature was in control, to justify any such degeneracy of the presidency into a detective agency? What a spectacle to the nations of the earth! A people who have been self-governing by constitutional processes, whose credit has extended around the earth with their

## STRETCHING THE CONSTITUTION

commerce and manufacture, whose great corporate business has been a marvel of genius, and whose integrity has been tested by financial credits in every nation, whose aberrations and obliquities in comparison with their general character are as spots on the sun — this people is being hunted along every railway, into every corporation, over every highway of trade by their President. In Heaven's name what a spectacle in free constitutional America! It would disgrace a South American Republic. With a people with less sense of humor and a people less optimistic it would cause a revolution.

The whole thing is obnoxious to a democratic form of government. And of nothing is this truer than of the detective bureaus with which the presidency has surrounded itself until it does the business of the country practically independent of Congress.

The disturbing influence of perpetual agitators is over the land. Organized bodies of men are at work with attorneys and stenographers and a corps of special agents and clerks for the express and specific business of finding odors and bringing them to the President to sample. And when the President would vindicate himself for a personal assault upon a great business of the country he has only to call upon a commission or a special attorney to go out and find accusing facts or make charges. When he would discredit the railways struggling with their gigantic problems, a commission is called upon to create a sensation by the tale of some rascally jobbery alto-

## THE RAID ON PROSPERITY

gether exceptional, if true. What could be more mischievous?

The President, any President, has only to grasp one of these "big sticks" to menace any business and throw the country into a panic. It is a startling change that has furnished our presidency with these subcabinets for the purpose of discovering commercial wickedness—caves of Adullam for every unsuccessful competitor, retainers of every political brigand who makes his foray upon the constitutional order of things and rides into power with a blazonry of reform.

It certainly ought not to require much acumen for one to appreciate the fact that the clamoring forces have worked until we have put the government of the people out of the hands of the people and entrenched it in the hands of a presidency more autocratic and despotic than anything in Europe outside of Russia.

And with these appalling changes have come certain tyrannical influences which menace any man who ventures a protest. The citizen who remembers the days of a constitutional presidency, who finds himself without a party, who finds himself democratic in a monarchy, and who dares to insist upon return to first principles, and the only sound principles, is attacked with a venom of pretentious loyalty that places the defenders of the Constitution and the simple official life among the enemies of the country! The socialistic anarchist is rallying to the

## STRETCHING THE CONSTITUTION

defense of the changed form of the presidency and charging the old-fashioned citizen with disloyalty. The rioter who contended against government by injunction is pacified by commissions of his own for the accomplishment of his tyrannical purposes in the arbitration of labor and capital!

Again we ask how far are these changes of the presidency going? It is no more unreasonable to suppose that they will go on than that they are here. They are here in opposition to the spirit of the age. They are as undemocratic as a despotism. They are illogical. They are the elements of a grave centuries old. The present methods of discrediting persons and business and sowing distrust throughout the nation are musty with the odors of the seventeenth century. A generation ago no mortal in America would have believed this change to autocracy possible. Like every evil thing of the kind it masquerades under the pretense of renewing the earth and regenerating mankind. It does some good things and thereby writes its own indorsement and pursues its mischievous business.

It will continue until the people get the full measure of the peril of this despotic change and its real relation to their interests, which it pretends to safeguard but destroys.

There can be no certain values nor secure properties, there can be no prosperous business and bold enterprise in a nation where governmental paternalism is permitted to command special and crude laws of

## THE RAID ON PROSPERITY

commerce, and menace with investigations and prosecutions the changing conditions of manufacture and trade. The creation by business novices of laws which cannot be applied to commerce, but which if disobeyed are to be enforced by demagogues and make our great business men criminals, must terminate soon in either the awakening of the people and the repeal of such laws, or the paralysis of business now threatened, or the return of a reign of practical sound sense upon the part of our executives. Values hitherto have been down on some secure and appreciable foundation. Now, every day they are blown about by a new story of investigation from the White House.

It was bad enough when the counter reports of bulls and bears in Wall Street moved stocks up and down the tape. People are not looking now to Wall Street. What is the last interview with the President by one of his commissioners or secretaries?

Railroad men, manufacturers, shippers, merchants, bankers, investors, all stand about anxiously waiting for the last bulletin from the White House and inquiring as to which commission is in the field to-day!

The enormous businesses that have been built up during the past half century upon the eternal principles of commerce and that have made the United States the richest and most powerful nation on earth are humbly asking leave of the political Cæsars to continue according to the code of their fathers in

## STRETCHING THE CONSTITUTION

making their country great in the development of its resources and industries.

And the Cæsars are enthroned by the men who have created no business, and by the other men whose doctrine is destruction to all forms of success, and by competitors who justify their failures by accusing their successful rivals.

The business honor of our country is marvelous. It is the world's highest range of commercial integrity. But some solitary low level of railway manipulation or some careless small meat packer or some rebate justified by the practices of a generation is seized upon as the measure of our honor and the type of our character.

How much longer will the people submit to this degradation? Is not the time at hand for a demand that the excrescence shall be lopped off from the presidency, that the changes which have been taken on without law, without constitutional or statutory right, shall be dropped as unlawful practices, and that the President shall return within the limitations defined by the instrument which describes his office and be content with its proper administrative functions?

Is not the time at hand for the people to return to their self-respect and serve a notice upon all political aspirants that hereafter the men who serve this land in high stations must be constructive and not destructive; that we will tolerate no longer the Nation's slanderers, we will submit no longer to the

## THE RAID ON PROSPERITY

discredit of business for demagogic purposes; that hereafter the men intrusted with political power must make and execute laws to increase the mighty currents of commerce and show themselves as great as the things they attempt to legislate and administer. We want men as big as their office and as big as their times.

But how shall we get back? Will some one tell us how we are to change back from the changes that the President has introduced into his office? It cannot be that they are to become permanent, that the next Executive is to give us a new competitor for original laurels and a champion with loftier plume in the tournament with corporations. It cannot be that men hereafter are to qualify for the presidency by their ability to investigate business and to agitate the status of credits and to overthrow confidence. Is the presidency to become the national menace and is the mightiest menacer among candidates to be made the popular candidate?

In former years the country had a refuge in the opposite party. But to those of us who look anxiously to the only hope in political change there appears a worse fate. The party's idol declares that the issue of agitation belongs to him of original right. He nailed his flag to it as a discoverer. It was torn down and the Republican flag displaced it. It was plainly stealing the land he was about to inherit, but he accuses only of the theft and complains that the thieves have not made more of their stealings. It

## STRETCHING THE CONSTITUTION

was his issue and he proves it, but enough has not been done with it.

It is therefore useless to look to the Democrats for a change back to the Constitution. Indeed, it becomes a very interesting question as to what Mr. Bryan would do that President Roosevelt has not done. He evidently wishes it to be understood that he would do more! Well may we pray: "Good Lord, deliver us!"

After his inaugural, four more years of distrust, fear, and failure. Years in which no man can know the values of properties or assume the stability of any enterprise. The evils of watered stocks, of unprincipled stock manipulators and an occasional railroad wrecker are incomparably less to be dreaded.

There must be men enough in this country who revere the ancient landmarks to rally to a constitutional standard. It is a duty of patriotism which cannot be delayed.

Never has there been such broadcast sowing of socialism in our country's history. A decade ago the wildest enthusiasts of that doctrine could not have hoped for the tremendous successes that have come to them by the indifference of the people to the Constitution and by the liberty which is being taken with their rights which hitherto had been sacredly guarded by the laws of the land.

This rampant doctrine of an elastic Constitution now has advocates who boldly declare that the Constitution is opposed to a democracy. They say that



## THE RAID ON PROSPERITY

it was born out of restraints of liberty and limited by provisos which were class concessions. They forget that these expired more than a century ago by time limit. But this is a congenial time for all such teachings. They have received the fullest encouragement. The anarchist has put his rancorous voice aside and a clergyman has given him the indorsement of righteousness and peace!

An easy way has been found for setting aside the constitutional rights of men whom it is desired to destroy. The old-time sense of solid security in the Constitution has given way to apprehension and distrust. The markets of the world no longer trust it. It is no longer what saith the Constitution, but what saith the President and what saith the commissioners.

## CHAPTER VII

### RIGHTS OF CORPORATE BUSINESS

**G**REAT coöperative interests are not the product of human avarice nor of grinding indifference to popular rights. The very laws of nature by which we use steam and lightning and chemical and vital forces have made them. They are the result and the movements of a law with phenomena as unmistakable as any law in nature.

The application and control of these mighty forces over such tremendous areas and for such amazing results is impossible to the individual. He may discover them, but men of supreme executive ability and capital must come in and develop them. The inventor is helpless until these men come to his relief.

The economist of a century ago had no conception of times like these, and much of his philosophy is not applicable to such magnitudes and their forces.

No one can study our country, to say nothing of the world, to every part of which we now are vitally and intimately related, and not see in vast corporate endeavors a simple and plain proportion. They belong to the logic of events. Consider our vast ter-

## THE RAID ON PROSPERITY

ritory, its tremendous resources, its natural obstacles to be removed, the engineering to penetrate mountain ranges and bridge impassable caverns, the machinery of fabulous cost, the artisans and laborers massed in single enterprises by tens of thousands, the executive ability employed in plans and their execution that makes emperors and kings appear small in comparison, and it may occur to you that perhaps we have problems in these things worthy of sober statesmanship. How could we have brought the iron from the mountains of Pennsylvania, wrought into the steel of a thousand utilities, or the oil from our valleys, or harvested the wheat and corn from Western prairies, or put a tracery of railways across the continent in every direction, or launched upon the seas steamships, one of which costs millions of dollars, if men of mighty executive ability had not combined their genius and their fortunes in tremendous coöperative endeavor?

When we curse combined capital, do we remember the fortunes lost in experiments and the millions of people to whom employment has been given with successful investments, the conditions of thrift that have been promoted, the comforts and necessities which have been distributed at small cost among the people, luxuries of the rich that have been brought to the homes of the poor?

Instead of listening to the demagogue, read the history of your own times, contrast our country homes with rural England or rural America of fifty years

## RIGHTS OF CORPORATE BUSINESS

ago. The poor man owes more to the corporations than to any other commercial force for his opportunity to work at good wages, or to work at all, for that matter.

It is the corporation that has assembled the material, furnished the capital in great banks, financial trusts, and projected enterprises that make the thrift of the country and give employment which individuals or small companies could not have done. The corporations which we sometimes thoughtlessly curse are the workingman's best friends.

Let those who hate corporations go back to the canal boat, the little railway, the stage coach, and a dollar per day of wage.

The practical economics of all this massed capital managed by the mightiest combined executive genius the world ever has seen in their application to our homes and personal lives in common commodities, presents a striking justification of the present general order of things.

That there are evils to be guarded and evils to be corrected, that there are some imperfect adjustments that fail of the largest results to the greatest number and that do injustice to some interests, no one will dispute. But competition cannot be manufactured by legislation. Its limits cannot be defined as an engineer lays out streets and highways.

The wisdom that guides these vast concerns must be as great as the age and the corporate interests represented. Our tremendous industrial movements

## THE RAID ON PROSPERITY

have grown faster than our legislative wisdom. The men who are undertaking the regulation of these mighty energies, which are comparable to the movements of the planets and the tides of the sea, are making a spectacle of themselves such as the schoolboys can find in the coming in of Stephenson's locomotive, the telegraph, and power machinery.

There must be statesmanship of the first magnitude, than which none has been greater than in our country, which shall address itself to most arduous study of the most important physical and commercial problems the world ever has known.

Interests of such vast extent which move by their momentum so irresistibly through long-established conditions, in many cases overthrowing smaller enterprises with all of the deep personal interest, as well as the commercial profit that attaches to them, are sure to be thought tyrannical, ruthless, grasping—the veritable octopus or pitiless dragon of avarice. The railway was oppressive when it set aside the stage coach. But the stage driver became the train conductor.

It must be our wisdom to guide such momentum with the least harm in the changed commercial order to both the greater and lesser interests. It should be our first business to come to a just appreciation of the place of corporations in this country, their proportionate relation to the age, their logical necessity to us, that we may not fight institutions in which the

## RIGHTS OF CORPORATE BUSINESS

material interests and welfare of all of the people are invested.

Surely it must not be assumed that the hundreds of thousands of men of this country who represent the billions of investments and its corporate commerce are traitors to mankind, upon whom war of extermination must be made. They are not buccaneers and marauders.

And it is a thing altogether perilous at a time of such disturbed conditions with regard to government and property and social state to sow carelessly to a whirlwind of suspicion and hate, the forming of which is already far above the horizon.

As I have remarked upon the magnitude of a time that calls for cooperative wisdom and power and that demands a square justice and a confidence in Providence and men, so I say we must cherish with the most profound loyalty those institutions by which the wisdom of our fathers has secured to us the greatest nation on earth, as the only instruments by which so mighty a nation can continue while time lasts.

If we cannot govern ourselves intelligently by our representatives, our government will follow the slippery downward path of all oligarchies. Men who represent us in the judiciary and in legislative halls must be protected by public sentiment in absolute independence of the representative character which is secured to them by law, accountable to no one except those who have sent them to be their representatives.

## THE RAID ON PROSPERITY

And they must be protected in disagreement sometimes with the Executive and those whom they represent, as have been some of the notable men of the past and the present, until such time as they may be permitted to account to their constituents. A thousand times better continue men in office who do not represent you upon some matters but who have the courage of their honest convictions, a courage which compels them to differ and so to vote, than men whose agreement is servile either to the Executive or to you.

They are the representatives of the people and not of the Executive, and by such representatives alone do the people have a voice in the government. When senators and representatives receive orders from the Executive, when appeals to popular passion are made to force them to action to which their sound judgment and honest convictions are opposed, the government by the people and for the people becomes a misnomer and a deception. In that hour we are a monarchy lacking only the name.

It is to be hoped that we are not so dazed and daft by an office that has grown great with our greatness that it may be permitted to set aside courts, senates, and congresses.

If it be thought by some of you that conditions do not justify our fears, I refer you to the threatened and actual fate of congressmen who have dared to be true and brave in their representative character. A partisan paper defending the coercion of the Sen-

## RIGHTS OF CORPORATE BUSINESS

ate upon a certain measure, said recently: "The Senate on that occasion needed the strongest kind of stimulus to cause it to take favorable action upon the rate bill and the free alcohol bill." Why should our senators be forced beyond their own convictions in a given case?

A pressure was brought by a message, the purpose of which the senators instantly understood and which evidently was intended to appeal to long-prepared prejudices of the people. If we are a Republic, why should men of senatorial dignity and long experience in both the House and Senate be coerced by the arousing of popular passion, be forced to action which many of them condemned, by throwing among them the riotous shouts of unreasoning hate and prejudice? This is a most dangerous stimulus.

Is this the method of legislation to which this great nation has descended? Is this new way the better way to make our laws?

We have drifted far from our moorings, so far that men on both sides of the ocean are noting and remarking the fact. The anchor chain has been run out dangerously far. It has not been run out for safety. It has been allowed to slip carelessly. It must not be put to greater strain.

The people must awaken to the danger that threatens representative government. Our courts must be kept inviolate. Our senators and congressmen must be respected in their representative character as embodying in themselves the people who



## THE RAID ON PROSPERITY

alone have the right to make laws without let or hindrance, and all men must have the right of trial by jury and must not be condemned upon *ex parte* statements of commissions, abhorrent to every sense of justice and in violation of our civil liberties.

We need unshaken confidence and eternal vigilance as never in any crises through which we have passed.

College men must go out into the world to leaven its passions with the leaven of a thinking that is as wide in its generalization as it is strong and clear in its processes. Our peril is men who attempt to hurry the mighty laws of human progress by puerile meddling, who seem to take a rollicking delight in lighting the match and fanning the flame of a smoldering discontent and prejudice.

It is a peril unspeakable to discredit the constitutional order of things in a national life of such complex and conflicting elements as comprise ours in this generation. We need, therefore, as never before, men who are conservatives and conservators in so much that they may have that statesman mind which "hopeth all things" until such time as by sound wisdom and discretion they may help to bring to pass "that which is perfect."

There can be no greater honor and responsibility than to be permitted to be a participant in the mighty work of securing for our inheritance the greatest things in their greatest efficiency to all citizens and the assimilation into one mighty people of all of the races

## RIGHTS OF CORPORATE BUSINESS

now in contention within our shores, people who already are in such numbers and have taken to themselves such power and have been put in such inimical attitude toward our institutions and our forms of commerce as to be a most serious menace.

For this reason we should emphasize as a duty of loyalty those principles of our government which alone can secure stable conditions, and that moral and religious force by which men may be drawn out of the quicksands of an anarchism which is taking on its most dangerous, insidious forms.

Both because of the magnitude of our country with the new forces that have been put into our hands for practical use which call for new proportions and the continuation of executive genius and enormous capital in business, and because government by law and not by men is our only safety in a land of such heterogeneous elements, we demand conservative leadership and a calm public spirit.

Ours is a tremendous study of civic economics. The new proportions have come in with a suddenness that has alarmed us. Men of the old times of small business firms, of the stage coach, of the hand loom, of the hand-printing press, of days before the power machinery which has revolutionized the earth, are living among us. Should it be thought strange that this new order should be feared and the happy old times be recalled as the better way? •

It has been a short time for readjustment. This mighty rush of invention, of new forces, of expanded

## THE RAID ON PROSPERITY

opportunity, has swept us off our feet. We are prepared to be told of dire and destructive things. It is an easy task, to arouse the people to the danger of corporate endeavor and with a few choice phrases of "predatory wealth," "swollen fortunes," "tainted money," and "the octopus" to prejudice the proportions of a new age, the magnitudes of which we have not grasped and the processes of which are not generally appreciated. It will take time for the people to settle themselves into the new orbit which has been given by Divine Providence to their little planet. It will take time to bring men to appreciate the fact that electricity, steam in compound forms, gravitation applied to transit business, the vast proportions of industries, the conquest of prairies and mountains and seas must be managed in different proportions than wedge and windlass, screw and lever, hand forge and hand loom, and the trade of the corner grocery and the industries of an infantile time.

It is a singular fact that those minds which have undertaken the regulation of this new order of human affairs in commerce and trade and to preserve the independent and individual forms that are inadequate and insufficient are the very men who are violating every tradition of the country in government and contending for greater elasticity in the Constitution with an impatience that cannot wait to submit amendments to the people!

We venture to say that no greater violence has

## RIGHTS OF CORPORATE BUSINESS

been done to the old style of business, to individual competition by corporations, than is being done by the political trusts in Washington to old-time methods of government in liberties taken with the Constitution, the courts, and the lawmaking bodies. And with business the processes are made by laws of trade and commerce and not arbitrarily in opposition to a fixed order of things. It is an expansion beyond insufficient limitations by the force of an irresistible energy, while our governing instrument in clearly defined terms provides the exact and unchanging methods of government and the changes in the same.

It is strange that men who are so righteously wrathful against mighty changes in business and who rush about with foaming mouths inveighing against "predatory wealth" are a law unto themselves when it comes to the application of government, which they have adopted as a business, to the new times. It is these men who talk of stretching the Constitution, not amending it, but stretching it, because the times are too big for it, who summon the courts and the whole prosecuting machinery of the country to contract business and to make all forms of it, beyond the measure they set for it, odious! Men must not take liberties with business. That high privilege of large interpretations is the sole prerogative of politicians.

The one thing that is fixed in this country is government. It is by law, explicit and clearly defined and not subject to discretion either in quantity or application. The one thing that is not fixed and limited,

## THE RAID ON PROSPERITY

that cannot be set with bounds and held within narrow confines, is trade, invention, discovery, and the extension of commerce.

The men who are using the machinery of government to regulate competition, to tell what its rights and proportions shall be and to guard against "the restraint of trade" and to dissolve the combined endeavors of American citizens whose genius has given our commerce its mighty and amazing proportions, will pass into history with the learned doctors of Nuremberg who declared profoundly that a close fence should be placed between the railroad track and the pedestrians lest the speed of a train at fifteen miles an hour should give them *delirium furiosum*!

To what strange uses are we putting our laws and our executive prerogatives! What a genius of imagination that can find any such paternalism in the purposes of our founders! What framer of the Constitution could have seen in these distant times a President and his Cabinet engaged in arranging the conditions of business competition by embarrassing with prosecution and fines certain forms of business and threatening practical confiscation by receivers that other forms may replace them and establish scales of prices and divide up the proceeds of their independent business with sure returns of profit! Who in that unsophisticated time could have dreamed that the production of steel and oil and sugar would have to take a certain prescribed shape and the ability

## RIGHTS OF CORPORATE BUSINESS

and business methods of our citizens become subject to statutes regulating competition? There is not the remotest sign or syllable that anyone ever thought of such interpretations of interstate commerce as have been read into the Constitution through the political influence of unsuccessful competitors in the business which they have succeeded in making odious for a time. To regulate trade between the States was to facilitate it where it might be obstructed, to give it equal facility in all of the States, to take from it any embarrassment such as had been imposed in some of the States, as between New York and New Jersey, and to give trade and commerce the right of way throughout the entire Union.

Men are being prosecuted to-day under an act that is opposed to progress and that will so appear if our mighty freedom ever emerges from under the exigencies of politics; if it is to stand under the Magna Charta of the rights of men.

What is left of our boasted freedom if the laws are to be construed so that a President through his various commissions can take charge of any business that may strike his fancy and change its values at his caprice and supersede it with some other business that may receive his favor—wood alcohol, for instance, in place of kerosene!

Plainly our old constitutional laws were made to harmonize with these great times and to leave the way open for the mightiest endeavor. They were framed by a wisdom that was nearer prescient than

## THE RAID ON PROSPERITY

any human wisdom this world has known, and we have a right to insist that they be executed with the same large and generous wisdom, that they be not reduced to petty, nagging, political instruments, making contemptible the mightiest nation created by men.

There can be no large business under a narrow and paternal interpretation of the commercial rights of men and the enactment of meddlesome laws by men of small commercial vision and less practical experience. How is it possible for men to have confidence in any investments under such conditions?

It becomes a question as to what size of commercial enterprise will receive approval at Washington, what standard measurement of capital and coöperative enterprise is to be issued by the respective commissions, what guarantee can be secured by patents that men will be permitted to use all of their ability and resources, what assurance that they will not become too big for some law, that some competition may trade through Congress or some commission may be called upon to suppress by an autocratic President.

It is plain enough that laws must be as large as business and executed by a large common sense if we are to go on with the proportions of these mighty times.

It is useless to have the forces, the inventions, the business genius, the internal resources, if there is to be thrown across them the obstruction of the preju-

## RIGHTS OF CORPORATE BUSINESS

dices and timidity of a hundred years ago or the machinations of legislators who are in Congress because too small for supreme success in the commercial world which they fail to appreciate and adequately interpret.

Right of way for the largest things by the largest legislation must be our motto. We are not called upon to slow down to the man who cannot keep up. It is a prodigious blunder to attempt by legislation to protect small forms of business. We do not want to make small business nor small men. Every man must take his chance and make his place.

To protect against "restraint of trade" sounds just but it is the height of folly, for it proposes to legislate against the restraint of trade that is serving the country with the mightiest successes that the country has known—small trade is at the demand of the trader and not of the people. It is impossible to guard against the restraint of trade.

The success of trade in one shape will restrain or interfere with the same trade in another. That is what enterprise is constantly doing. Competition means the success of one and the failure of another.

It would have been as foolish to make laws to slow down the locomotive in order to guard against the restraint of the stage coach as it is to obstruct the corporation with laws and commissions to enable weaker men and small capital to carry on inefficiently the same business.

We predict that every law that has for its pur-



## THE RAID ON PROSPERITY

pose the restraint of a large business to promote a small one will be repealed at no distant day by a wisdom that will laugh at the folly of our petty interference with the mighty laws of human progress which we attempted to substitute with our "stretched" Constitution and our paternal statutes.

Men will look at the present craze to regulate trade, to put commerce and manufacture into the antiquated boundaries of a time that is past, to make the scale of activities for coming ages, with the curiosity with which they look back upon the "populism," the "greenbackism," and the "free silverism" which in their turn aroused them to such wild enthusiasm and threatened the stable courses of our country in government and business integrity.

The sooner we appreciate the magnitude of the age, the less mischief we shall work to our country. Our mighty prosperity has been after the order that we now seek to embarrass and restrain. Its momentum is so mighty that it goes on far, after the obstructions have been thrown upon the track. But the very force of its momentum is the prime element of danger. What is stopped with difficulty is started with difficulty. Confidence can be destroyed much sooner than it can be restored.

We aim at the rich and the powerful. The American people are thrifty. They put their money where the rich put theirs. The six billions of loss in a year of insane agitation is not the property of "predatory wealth." The man of a share or two,

## RIGHTS OF CORPORATE BUSINESS

or five or ten shares of stock in railways, oil, steel, copper, etc., is numbered by the hundred thousand.

No great trade or manufacture of our utilities can be legislated or prosecuted into embarrassment and loss without suffering to the American people, for the people are investors. They have put their faith in the large things of their times and it is their property that is being attacked by the present fanatical cry against the corporation.

## CHAPTER VIII

### THE CORPORATIONS

**W**E are in an age that compels the combination of mighty men with vast resources. The individual in physical achievement, except in some solitary places and exceptionally small enterprises, passed the zenith of his independent endeavor a half century ago. To try to recover him and to restore him to his place, as in the days of small things, is to make a fatal mistake in reading the signs of the times.

The forces of to-day are too mighty to be directed by the prescience of one man—the forces with which God built the universe have been put into the hands of men.

It requires only the most superficial study to convince one that the individual is not equal to the mighty enterprises of an age like this, and that he must join with other individuals and form with them a great company or corporation in order to secure sufficient capital and ability for the purposes of our railroads, steamships, trolley lines, telegraphs, and telephones and other common utilities.

## THE CORPORATIONS

The extent of our country, the new forces that have come to the hand of man, the increased and multiplied modes of life have created conditions in business which demand massed capital and men of the mightiest administrative genius the world ever has known. And the corporations of our railways, steam and electric transit, of oil and sugar, of steel and other great manufacturers are as logical and proportionate in an age like this as were the mill, and the single store that monopolized the business of its village in the times of our grandfathers. Corporations not only belong here but we cannot get along without them. We curse the railways, but if trains are run indifferently we set up a great outcry which proclaims our dependence. We have no way and there is no way that we can invent except the corporation by which we can get promptly and at so small a price our flour, our coal, our kerosene, our sugar, and a thousand other necessities of life. No individual could bring them to us. If he could, the price would be multiplied from ten to one hundred times. You may as well attempt to displace the sun with a tallow dip as to substitute for these gigantic commercial forces the puny methods of a time when financial man was little and the wants of the people were few and simple.

When man saw his opportunity, when he discovered the resources of his earth, when he appreciated the forces at hand, he began to plan large things and seek for adequate agencies and power, and what he

## THE RAID ON PROSPERITY

could not do alone he sought to do by coöperation, under a law of necessity as plain and practicable and legitimate as the law of gravitation.

And that is all there is to a corporation. It is a combination of men who are doing what a man cannot do alone. No man ever has been rich enough or great enough or could divide himself into a sufficient number of executive parts to build and manage the Pennsylvania Railway or the New York Central System, but a hundred men organized by law and protected by charter could do it, and that is a corporation. It is a body of men acting under the law as a person, doing things which a person cannot do. It is only a person combining and consolidating the wisdom and strength and efficient means of many individuals, and in nearly all cases of unusual individuals in enterprise and ability.

Such a corporation will have the characteristics of a person. It will not be strange if it makes a person's mistakes, if it becomes selfish and grasping, if sometimes it must be restrained by law as individuals are. But it is not an octopus nor a monster. It is not necessarily a criminal, nor does it reckon as an asset its power to grind the poor. All of that talk is the cheapest demagoguery.

Many of these corporations have made vast outlays and have enormous standing or permanent charges and the returns are slow often, and there are periods of accident and loss and mistakes of management, and the results are unfortunate to the cor-

## THE CORPORATIONS

porate body and to those employed by it. There is sometimes inefficiency in executive control and the public suffers for a time. But as the life of a corporation as well as its profits depends upon the service of the people, these things are largely self-corrective.

That the corporation has been another name for gambling manipulations in some instances no one denies. But the great industries, the mighty utilities have too much invested in the confidence of the people and the sound development of their properties to throw them into a gambling pool. When this is done it is generally discovered, and the confidence of the people, their most valuable asset, is forfeited.

Upon these exceptional instances and the misapprehension by the people of the principles and practical workings of corporate business and upon the insistent antagonism of corporation competitors is based the prejudice of the present time.

Reckless charges are brought against corporations and trust methods of business without rhyme or reason. Recently an honorable college president, at the head of one of our best-known institutions, declared under the excitement of Fourth of July oratory that we should send some of the corporation managers to prison, a thought echoed by the Attorney General. It is reasonable to assume that a man of such stable thinking and with a reputation for sober speaking to maintain must be able to name the offenders. Has anyone been convicted who is at liberty? Are the cases of so pronounced a character, and are they so

## THE RAID ON PROSPERITY

many that such a general remark will stand without specifications? Who are the men? Will the honorable college president name one of them? Such talk is worse than foolish if he cannot. And he cannot name a corporation board nor a member of such a board who under the law should be in prison. We do not send men to prison justly upon hate and prejudice created by frenzied magazines and a sensational yellow press. That overheated Fourth of July oratory was of a piece with the ranting against capital that has become so popular among the unthinking, and is astonishing from a man in such a position, who ought to understand the incendiary effect of such a remark among the dangerous elements of the time.

It, however, emphasizes the fact that many of the people have gone daft upon the subject of corporations, and the word has been adopted as a synonym of everything that is bad, wicked, and oppressive.

The politician uses it in his canvass and is applauded, the unsuccessful manufacturer explains his failure by it, the farmer who gets less for products and pays more for groceries than he thinks equitable curses it, the laborer who compares his wages with dividends hates it, the newspaper following the drift of discontent lampoons it, human nature, always swift to explain its failures, to adjust its accounts and secure comparative credits, when it can condemn nothing else thanks God that it is not like the corporation. We must have something to curse. That is an essential

## THE CORPORATIONS

characteristic of mankind. And there seems nothing quite so convenient for that purpose as the corporation. It is a rich field for the pharisaical casuist. It is not likely to speak for itself; there is so much in it that is mystical to the common mind; it does do things so out of the usual experiences of men; it is so indifferent to attacks by inferior minds that it affords a most magnificent opportunity for men of selfish interest to work their purpose.

The corporation is of such magnitude and its processes are of such a gigantic character and it is so new and with such startling possibilities that legislators and executives are facile in their blunders of law and administration in their attempts to regulate it. It is a manifestation of the proportions of our age that has grown great faster than the men who assume the responsibility of guiding it. This has given rise to confused legislation and a great babel of tongues. It is simply too great for us. We need to keep quiet and grow up to our age and to the ability to comprehend the new order of things in commerce and manufacture.

In nothing is this seen more clearly than in the Sherman Act, which was harmless as a mere expression while it slept in "innocuous desuetude" but which in impulsive and rash hands is working incalculable mischief; a law that was promulgated by a man absolutely without economic instinct, knowledge, genius, or experience, who threw at a venture a stick of dynamite, the nature of which he did not know,



## THE RAID ON PROSPERITY

into the crowded industries of an age which he could not see; a law which if enforced literally and impartially would stop every wheel and silence every machine and ruin every form of corporate business in the land.

The fact of our imbecility is illustrated still further by the helplessness with which we contemplate this mischievous law and leave it in the hands of demagogues to work their schemes at the expense of the country's prosperity. We have not the courage to set it aside. We think that something is required, we do not know why or for what, nor do we know what it is, and so we leave a law among our statutes to be a disturbing element according to the wisdom and folly of succeeding administrations. It has lasted so long because, with men of the broad statesmanship of Harrison, Cleveland, and McKinley, it was not permitted to do any serious harm.

Now seeing what it can do when used carelessly and arbitrarily and strenuously we should get rid of it. The next session of Congress should repeal it and send home the commissions it has created that the business of the country may resume its progress over those highways of sound economics which commerce makes for itself in all ages.

The special laws made by men who are mere political tinkers, men who have had absolutely no training in the mighty movements of corporate commerce, who are attempting to apply the inadequate

## THE CORPORATIONS

economics of past and infantile centuries to these tremendous times—these laws painfully born out of much wrangling and voluble discussions should no longer stand to disgrace the age in coming times when men shall have become full grown again.

And the common law, those old foundations, those plain and simple enactments which embody a prescient judicial wisdom that anticipated this age, will leave our land free to go on to the fulfillment of its magnificently incomparable commercial supremacy.

The assumption that we could not be trusted to obey the laws which are inherent in competitive trade and work safely under the natural guidings of such forces is a mistaken one. There is no safety in any other way. Mischief, and mischief only, must come out of meddling regulation. The government cannot do the private business of the country and it cannot successfully regulate it beyond the statement of those broad principles set forth in the Constitution and by the common-sense use of the common law.

Not one of our recent regulating statutes can be safely applied, not one that has been attempted has accomplished anything constructive. For the most part they have been a dead letter because impracticable. Some of our soundest economists declare that "they have been productive of the very evil of unjust discrimination which it was intended to prevent."

## THE RAID ON PROSPERITY

The Hon. Martin A. Knapp, Chairman of the Interstate Commerce Commission, speaking upon one of the proposed laws for regulation that require publicity of capitalization, etc., said: "If then it is for the public interest to keep up competition, if the general welfare will be conserved by its active operation, I query whether the proposed legislation will not enfeeble the very principle to which it is desired to give new life and vigor. . . . So far from accomplishing the purpose expected, in this regard, its practical tendency in my judgment would be in the contrary direction. Just as the Sherman anti-trust law which is based upon an economic fallacy has indirectly aided the very results it was designed to prevent."

And such must be the results of laws promulgated by men of partial and impracticable knowledge in such matters. A steamship cannot be navigated by a shore captain.

We must leave the construction and management of corporations where we have left individual endeavor and plain partnerships. Our notion about restraint of trade and all of that is puerile. All competition is restraint of the other man's trade. The people cannot be oppressed without ruin to the oppressor. The happiness of the people, their prosperity, the cheerful use of the manufacturer's articles is an asset of a money value. Good will is bought and sold in the market.

Must we assume that men of the corporations are

## THE CORPORATIONS

brigands and highwaymen? Is that what we mean by "predatory wealth"? These men are American citizens of common intelligence, evidently more intelligent than the men who use such language. They have their homes here, their children are growing up among us, their investments for them are in values which they are seeking to make permanent. They have as much at stake as their neighbors have. They seem to be as loyal and devoted citizens as their accusers. Their public spirit is proverbial. To listen to those who deride and traduce them one would get the impression that to incorporate men in business is to make them villains. The independent are the good citizens. Sad if it is so, for the corporations are doing about seventy per cent of the business of the country. Fortunately, however, business is not seventy per cent dishonest and fraudulent.

What is the crime of the corporation and the iniquity of the trust? It found little enterprises struggling with mighty problems. It put them together and made them when consolidated as great as their problems. It found scattered capital and ability working feebly at the task of developing industries and conquering this continent. It united capital and men and astonished the world with the results of the United States Steel and the Standard Oil and other mighty developments. It put feeble railroads together, a half dozen of them, and created great trunk lines. It alone and nothing else is to be

## THE RAID ON PROSPERITY

credited with the creation of our new world of industries.

It has decreased consistently and persistently the price of commodities while the individual has increased them.

The late F. B. Thurber, in his "Basic Facts," published by the United States Export Association, which he kindly sent me, says: "As a rule the so-called 'Trusts' tend toward economy in production and distribution, improved quality and lower prices for consumers and increased employment and better wages for labor. That while there may be exceptions to this rule they are always temporary and in the end it prevails."

He makes this further statement which he follows with indisputable comparative tables: "There is a widespread impression, largely caused by sensational journalism and sensational politics, that Trusts result in unreasonable prices through which the many are taxed for the few, and it may be interesting to inquire how far this impression is confirmed by the facts—not single and sporadic facts but facts which cover a sufficient time and a sufficient field to indicate the general tendency."

I use two of these several tables, all of which tell the same story.

"The first great organization of industry in the United States was the consolidation of railway lines, and its effect upon the prices of transportation is shown in the following table:

## THE CORPORATIONS

AVERAGE RECEIPTS PER TON PER MILE OF LEADING RAILROADS  
IN 1870, 1880, 1890, 1902 AND 1904 INCLUSIVE

RAILWAY LINES	1870	1880	1890	1902	1904
Lines East of Chicago	1 61	0.87	0 63	0 00	0 61
West and Northwest Lines	2 61	1 44	1 00	0 85	0 94
Southwest Lines	2 95	1 65	1 11	0 89	0 94
Southern Lines	2 39	1.16	0 80	0.64	0 66
Transcontinental Lines	4 50	2 21	1 50	1 03	0.99
Average	1 99	1.17	0 91	0 75	0 77

“ This result has been obtained largely through combinations and consolidations, which, contrary to the impression generally entertained, have not resulted in abolishing competition, but rather in economies of operation and improvement in service, accompanied by a steady reduction in rates, with but few exceptions, which prove the rule. During recent years rates have slightly advanced owing to a much greater advance in labor and materials. Railway freight rates in the United States are, however, less than one-half those of other principal countries. Our railways carry our chief products one thousand miles to our seaboard for less than the railroads of other countries charge for carrying these products two hundred miles inland from the seacoast after they have crossed the ocean.

“ Passenger rates have not declined as largely as freight rates, but there has been a material decline in passenger rates also in the period covered by the

## THE RAID ON PROSPERITY

above statistics, while the quality of the service has been greatly improved, with a corresponding increase in its cost to the railways.

"The railroad of twenty years ago, with its equipment, would not be tolerated to-day. How many of us appreciate the privilege of stepping into a palace on wheels and being hurled through space at the rate of forty or fifty miles an hour, with as much safety as if we sat in our drawing-rooms or were sleeping in our beds at home?

"The next great 'Trust' was the Standard Oil Company, and its influence on prices is evidenced by the following export prices per gallon:

YEAR	CENTS	YEAR	CENTS	YEAR	CENTS
1871 .	25 7	1883	8 8	1895	4 9
1872	24 9	1884	9 2	1896	6 8
1873	23 5	1885	8 7	1897	6 3
1874 .	18 3	1886	8 7	1898	5 7
1875 .	14 1	1887	7 8	1899 .	5 6
1876 .	14 0	1888	7 0	1900 .	7 8
1877 .	21 1	1889	7 8	1901 . .	6 06
1878 . . .	14 4	1890	7 4	1902 . .	6 03
1879 .	10	1891	7 0	1903 .	6 07
1880 . .	8	1892	5 9	1904 . .	7 08
1881	10.3	1893	4 9	1905 .	6 08
1882	9 1	1894	4 2		

"This great decline in the price of oil is attributable to the increase in production, but more largely to improvements in manufacture and transportation, which were only attainable through the aggregation of capital and brains in this industry.

## THE CORPORATIONS

Refined oil is now delivered to consumers in the United States by Standard Oil tank wagons at from fifteen to twenty cents per gallon, or about the cost of mineral water."

Corporations have made a thousand things common blessings which otherwise would have remained unknown to the world. They are the workingman's greatest friend, giving him better wages and a steadier and surer pay than any other employment ever has done. They have established for him a grade of promotion which encourages skill and faithfulness by sure reward.

The corporation has multiplied the production of the useful arts and transformed the homes and mode of life of the people from the spare and meager comforts of peasants and serfs to the abodes of a dignified and powerful citizenship filled with the abundance of the gifts of the arts and sciences and full of self-reliance and worthy ambition.

The man who talks about the corporation grinding the poor is blind and cannot discern the times or he resorts to a demagogy too silly to deceive an intelligent people.

It is the corporation business that has developed the resources of our country and for which further development waits. It is the corporation that is manufacturing the mighty machinery and applying the power that is giving this age its tremendous commercial proportions. •

The Hon. Carroll D. Wright tells us in his pub-



## THE RAID ON PROSPERITY

lished investigations: "A thousand paper bags could formerly be made by hand in six hours and thirty minutes: they are now made in forty minutes with the aid of a machine. To rule ten reams of paper on both sides by hand required 4,800 hours; with a ruling machine the work is done in two hours and thirty minutes of one man's time. In shelling corn by hand sixty-six hours and forty minutes would be required to shell a quantity which can be handled by a machine in thirty-six minutes. A mowing machine cuts seven times as much grass per hour as one man can cut with a scythe. These examples could be extended indefinitely, but a more forceful illustration will be found by considering the total horse power applied to machines in this country and calculating how many men it would require to do the same work.

"One horse power is equivalent to the power of six men. Thus if the work of 63,481 men in the flour mills of the United States is supplemented by the use of 752,365 horse power, the power is equivalent to the work of 4,514,190 additional men.

"A still more striking illustration is found in our transportation system. In 1890 there were over 30,000 locomotives in this country. It would take 57,940,320 horses to do this work or 347,425,920 men. In countries like China nearly all the work of transportation is actually done by man power, and no further explanation of the economic difference between Asia and America is required.

"By the use of steam we are evoking aid from

## THE CORPORATIONS

the heat stored up in our coal beds equivalent to the working efficiency of the population of the whole earth, while the Chinaman lets his coal lie underground, packs his load on his back, and does his manufacturing largely by hand." But then he has no monster octopus to "suck the last penny from the poor and stifle competition and that compromises conscience by endowing colleges of questionable moral worth" ! Would the author of this tear-stained sentence prefer to live in China !

If there is anything in which we have shown the power of our civilization it is in the massing of capital in the hands of consummate geniuses of manufacture and trade by which the earth has yielded up her infinite treasures and handed over for our practical utilities the forces with which God built the universe.

And no class of people on earth has benefited so largely and so conspicuously by this revolution in the business of the world as the poor.

The very machines and forces with which corporations have developed the earth's resources have multiplied places of employment.

The shallow-thinking, chattering sensationalists, who are bringing fuel to destroy the corporations and trusts, are enemies of the poor and in so far as they discredit these great and beneficent organizations they obstruct the progress of our country.

General T. H. Hubbard in an address before the Bowdoin College Alumni, in New York, the 26th of January, 1907, said: "The oppressed are not the

## THE RAID ON PROSPERITY

people but the corporations. A mighty outcry is raised against the large gas companies, the railroad companies, and the insurance companies. Some champion of the people, who spends his time in poring over Poor's Manual, declares that gas companies can and do manufacture their product for thirty or thirty-five cents a thousand feet. The people listen and forget that there are other expenses to be met by the company aside from the actual cost of production. They are not aware that electrolysis, of which they know little or nothing, is constantly wearing out the mains almost as soon as they can be installed. They do not realize that the company is really supplying its product at a price counting cost and only a moderate profit. They forget that thousands of persons are dependent for their income upon the earnings of a corporation in which their money is invested and that these persons have a right to ask for a reasonable return on the money invested.

"Our railroads are surpassed by none in the world except so far as regards loss of life through accident. The remedy for that is to permit the roads to earn enough to pay for the installation of expensive safety systems. But instead of aiding the roads some person discovers that there are such things as secret rebates and immediately he cries aloud for an investigation, not waiting to learn that the roads themselves have been waiting to remedy this wrong."

On the same occasion the Hon. James McKeen, associated with Governor Hughes as counsel

## THE CORPORATIONS

for the Insurance Investigating Committee, said: "Corporations have been a great instrument of progress. Only through corporations can the man of small means compete with swollen fortunes and yet the people themselves are endangering their own savior by their hysterical outcries against corporations."

Has it ever occurred to these agitators that their attack is not upon an organization or a management simply but that the mulcting of a corporation is the depreciation of the property of those who own its stocks and that thousands of them are in moderate circumstances and cannot afford such losses?

To hear these fomenters of discontent one would think that the corporations were owned by millionaires who are a covey to be fired into by a flippant prosecuting department. But the people are the sufferers through loss of their property by these irrational attacks. What reason is there in a law that fines a stockholder who has no more to do with the management than has the man in the moon?

By such reckless assaults as characterize this administration the stocks are depreciated, small holders casting them overboard, the rich buy them up and the loss in the end is exclusively confined to the poor. Attacks upon corporations is an admirable way to destroy the savings of the humble. Let one note the New York Central, held very largely by the common people, reduced from 150 to 99½ in a few weeks by this panic-making prosecution for rebates

## THE RAID ON PROSPERITY

which it was adjusting with far greater wisdom than could the government by the impracticable laws which it is applying without regard to consequences. The Attorney General in firing into his famous covey is shooting too many small birds that ought to be protected and not destroyed by the laws.

## CHAPTER IX

### THE CORPORATIONS—*Continued*

ONE of the singular if not amusing phases of the attack upon corporations is that many of the larger city newspapers are in a Newspaper Trust as thoroughly as any corporate business which they condemn, and their methods of business are not an iota different. This is conspicuously so of the principal yellow papers which are in competition by combine and cheap rates to restrain the trade of other papers all over the continent.

More than one thousand reputable daily newspapers in this country show by their hyphenated names, such as *Record-Herald*, *Times-Democrat*, *Globe and Commercial Advertiser*, *Democrat and Chronicle*, *Post-Standard*, etc., etc., the absorption of one paper by another in "restraint of trade"! Anybody who has given the matter any attention knows how news is purveyed by a great trust for all of the papers of New York or of Chicago and of other large cities, and how it is the source of many of the leaders of country newspapers and the bulk of their

## THE RAID ON PROSPERITY

outside news. This is so of the pictorial illustrations of many papers. A corporation does them.

Men are sent out from this trust to interview men whose opinions are awakening public attention and the letter is sent to every leading paper in the country and published as its special correspondence by its own reporter or given as an interview direct to the paper. I received a paper within a few days that I never had heard of which stated that I had sent to it a communication which to my certain knowledge had appeared in scores of papers from a common news center, prepared by its agent.

The editorial writing of the leading papers is independent except when the partisan mandate is sent out from the party bosses and headquarters. But the business, the investments, the management is like that of Standard Oil, of United States Steel and the other great corporations, and the news-gleaning is through a combine. In Associated Press news awhile ago there was an opposition started so that now we have the Publishers Association, just as we have the Pure Oil Co. opposed to the Standard Oil Co., in a successful rivalry. When the press of this country attacks trusts and corporations like the Standard Oil and Sugar companies, etc., it seems a little like the pot calling the kettle black.

Each political party has its papers which are as subservient and manageable for party purposes as any branches of trusts ever have been, and there is a cloud of witnesses to the fact that independent thought or

## THE CORPORATIONS—*Continued*

action is attacked in the restraint of thought with a virulence that puts to blush any oppressive competition of a corporation with independent trade!

We do not mention the gigantic newspaper trusts or the combination of one or two newspapers in smaller cities to condemn it but simply to show an inconsistency in the passing agitation which the people are overlooking, and which ought to weigh against such pretensions of loyalty to individual rights and privileges by attacks upon corporations.

We have more news, more intelligently gathered, more attractively presented, and more reliable than we could possibly have by any independent, isolated efforts to compass a country so vast with interests so infinitely varied. The combination of two papers in a second or third class city results almost invariably in a much abler, larger, and every way more satisfactory paper.

One of the most striking indications of the modern corporation is the astounding development of the modern newspaper, now in all cases of any magnitude chartered as a corporation. It appears not only in the great journalistic enterprises by which a week's dailies are a library of important, if not indispensable, matter upon all great current questions and a survey of the world, but it has its strictly business side in immense business buildings which are devoted to rents and from which dividends are paid. The investments of the great newspapers are becoming a noticeable asset of our country. Indeed, they begin to look



## THE RAID ON PROSPERITY

like "predatory wealth," and here and there the tentacles of an octopus are showing through the inky waters.

The entire movements of the age are toward the corporations. Three fourths of the business of our country is done by them. They are to be seen in the way we hold our churches, our universities, and manage our hospitals and other charitable institutions conducted by personal beneficence. In no form can the business of men be cast that is so secure, that is so little disturbed by death, and that is so safe to widows and orphans suddenly bereft. The corporation is the result of man's highest wisdom in commerce.

At this particular time it is of vast concern in this country in carrying our manufactures and opening up our trade with all lands. When we discredit it at home by ill-considered attacks, the blow is felt upon our commerce to the ends of the earth. We attacked in a reckless and needless way the meat corporations of Chicago, which, if requiring the attention of Washington under the new order of paternalism, could have been reached in a judicious and quiet manner. We set the civilized world agog by our loud trumpeting of horror over the odors of an abattoir. It was a new experience for the American people. A fiction writer had seen a slaughterhouse and it startled him. It was a lair of horrid dangers. We had our new excitement. Washington led the frenzy. The great men who had made meat

## THE CORPORATIONS—*Continued*

foods, clean and wholesome, accessible to the people everywhere from the humble homes to the hospitals, from the logging camps in the deep forest to the palatial yacht of the millionaire, stood helpless and stunned. They had left their doors open to the public and invited the people in to note the purity of their foods and the cleanliness with which they prepared them, as an advertisement, well knowing the value of the confidence of the people to their business. Visiting tens of thousands had gone away with words of enthusiastic praise, for they had no investment in a sensationalism. The blow fell with all the violence that the prosecuting, investigating enginery of the government could put into it without discrimination. The results were confusion to the investigators, although a judge was rebuked for not convicting the innocent.

But what were the results upon our meat commerce in which every ranch and every farm where cattle are raised is financially interested? Last April the Bureau of Statistics of the Department of Commerce and Labor issued a statement which showed that the exports of canned beef for April amounted to 893,017 pounds against 4,121,000 pounds in the same month last year. For the ten months ending with April the exportations showed 13,032,703 pounds against 56,730,873 pounds during a similar period last year.

It is stated by conservative and unprejudiced authority that the total export sales for 1907 will

## THE RAID ON PROSPERITY

probably not exceed 15,000,000 pounds as against 64,500,000 pounds the year before.

The canned beef exports will not exceed \$1,500,000 this year compared with \$6,500,000 in each of the past two years. In other words, \$5,000,000 have been taken out of the pockets of meat producers in foreign trade as the price of an excited and loud attack upon one kind of corporate business under the charge that it was poisoning the people. If it had been true, there was no excuse for the application of corrective methods in a way to discredit the business before the civilized world.

But there was not only a shrinkage of the total of export but men in London, in Paris, and other foreign cities, who had invested large fortunes in establishing a great business which was making honest lucrative returns were totally ruined. Places that had been thronged with customers do not receive one order a week. How long it will take to repair this confidence ruined by attacks as reckless as they have proved expensive no one can tell. In the meantime the foreign trade is finding other channels and new adjustments are going on, to the great loss of the agricultural class. It is not the meat corporations that suffer. They can protect themselves, but the ranch owners, and even the smaller farmer who raises a few cattle, sheep, and swine are the sufferers. It is an object lesson. We will not learn it while the agitators can beat their tom-toms and confuse

## THE CORPORATIONS—*Continued*

the facts, but in time the country will awake to the peril of breaking down or seriously embarrassing any great business by prosecution, which has its most serious consequences in the disturbed if not ruined confidence of a commerce that now interlocks all of the nations of the earth.

Our boasted supremacy is not so secure that we may safely trifle with it. We have made a magnificent initiative. But if we are to add our influence to the obstruction and resistance of foreign competition which means limitless millions against our trade, how long can we expect to hold our place in export commerce?

Other nations are awakening. There are boundless extents of the earth's surface that only wait capital to yield many of our products and oppose to us a serious competition.

The awakening of a people such as those of the Republics south of us, and China, is sometimes terrifically sudden, as we have seen in the case of Japan. If this little people with resources scarcely more than enough for home consumption can change the map of the world in a decade, what may be expected when the mightiest giant among nations arouses himself and China takes up the forces which Japan brought out of the West?

That we are to have a successful competition in other nations is seen in the fact that five million dollars which was coming to our shores for one product has turned to other directions. The world could

## THE RAID ON PROSPERITY

live without us if we were blotted off the earth. We can blot ourselves off.

Our place among the nations depends upon the strength and breadth of our grasp of the times more than upon our national resources. If we are greater than other peoples, we shall be essential to them; we shall produce things which they want and will have at our price. If we discredit ourselves, we shall be discredited by them.

No peoples of the world have made such magnificent use of corporate strength as we have. We have been forced to it by the extent of our country. The genius of our economic endeavor has worked naturally in that direction and until an insane frenzy attacked us we were the amazement of mankind everywhere. Now it is proposed that we advertise to the world that our business methods were all wrong, that we have become frightened at ourselves and distrustful of our powers, and that hereafter we shall contract and curtail our business to the capacity of our smallest men and send to prison or fine our greatest men for restraining trade! And the men who are sending abroad oil, steel, meats, and drugs and medicine are criminals who are sending out to the world the fruits of "predatory" business.

A recent able editorial of the *Manufacturers' Record*, of Baltimore, showing the competition with our trade and the encouragement of our capital in the South American States and other countries, concludes with this timely warning: "Blessed by the Almighty

## THE CORPORATIONS—*Continued*

with a country unequalled in natural advantages on earth, blessed by a prosperity such as no other country has ever enjoyed, we have permitted the political agitator, the social'st, the anarchist, the demagogue, who is a demagogue from lack of knowledge, and the demagogue who is a demagogue for the purpose of riding into power on the passions and prejudices of the people, to so arouse the fears of capital by adverse legislation, actual and threatened, that we are in danger of seeing our own country forced to a standstill, while the capita' which would vivify every avenue of trade seeks investment in other lands to their enrichment as against us. These are not fanciful sketches. The history of the world shows that what is here outlined as a possibility is, indeed, a tangible thing that may come to pass. Instead of ranting against capital, instead of denouncing the railroads which are giving us freight rates not one third as high on the average as the freight rates of Great Britain, and not one half as high as the rates of Germany, and but little more than one third as high as France, instead of heralding as though with great joy every effort made to hamper the operations of the great industrial corporations which have helped to create the wealth of which we boast, and have been the leading agencies in the development of all of our foreign trade in manufactured products, instead of following the lead of the agitator against the fundamental soundness of American business interests, has not the time come for the people of this country to

## THE RAID ON PROSPERITY

take a saner view of things, and instead of joining in the work of tearing down, take part in the upbuilding of the great business development of this country? Unless poverty is to take the place of prosperity, unless idle men are to walk our streets seeking in vain for employment as in 1893 to 1896, unless we want to destroy the temple and carry ourselves down in the ruins to business death, the thinking people of this country must awake to their individual responsibility to face the issue and stem the destructive tendencies of the times. In our madness we may destroy the railroads and the great business interests of the country, but we, the people, are the ones who shall suffer most."

We repeat that the pretended friends of the people who make the claims for that friendship by their attacks upon the corporate business of the country in their incendiary writings, speeches, and sermons, are dangerous enemies of the country, and their teachings and influence are harmful in the extreme to men and women who by hundreds of thousands depend upon such business for their daily wage.

They should know that in the nature of things whatever they take out of the corporation by exciting strikes and by inefficient service through discontent and distrust they take from the people.

We are paying to-day for the recent great coal strike, the unwisely conducted and highly damaging meat investigation, and for such foolish, obstructive and expensive legislation as is now embarrassing the

## THE CORPORATIONS—*Continued*

business of the land to which our home interests are so vitally related.

There is no possible escape from such consequences. It is high time for well-meaning but misguided men to look carefully into the consequences of their attacks upon corporations and inquire how widely their vast interests extend and how much they involve. They should inquire what is to take their place if these are destroyed and how they can expect to hasten the correction of their wrongs by turning the confidence of the people from them and making their very name to stand for all kinds of iniquities. Sane men will appreciate that the experiment with corporate business is extremely young. Men are living who saw the first railway train run on this continent. All of this tremendous machinery of commerce and trade has been set in motion since men in control of corporations were born, and because these men have not infinite prescience and millennial perfection, we curse them. Theirs is a miracle of achievement. They are more marvelous than all human activities in all of the centuries preceding them. They have inspired inventions and multiplied the arts and made science a servant of daily toil. They have enriched us with every good gift that they have compelled nature to yield to them from mine and meadow and by the alchemic processes of manufacture. They have taken the very refuse that offended the roadside and the yards of the homes of the plain people and made it into clothes for their persons and medicine to cure



## THE RAID ON PROSPERITY

their sickness. And they have\*placed us under infinite obligation of patience and confidence. Out of such a brief history, what achievements are in the future?

It is popular to-day to assail the corporation. It is unpopular to defend it or to utter any plea for impartial and fair examination of its merits by its assailants who are deceiving the people by the violence of their vituperation. But there is coming a reaction.

We shall after a time recognize it as a natural and indispensable feature of our economy. The adjustments will have been made in all particulars as they are now in some. There is no longer any competition between a stage route and a railway that disturbs the people. The steamboat has drifted off the Mississippi with as little friction as its fogs disappear. There is no clash between the hand looms and the power looms. The brick and mortar lifts are not cursed by the hod carriers. The machines that in about every instance have been opposed are recognized and used as invaluable adjuncts to labor. It is all plain, men have become as big as a loom and a railroad. After a time we shall get great enough and so used to great things in their application to business as to accept them even against the protests of men who are forced to give way before them and even to abandon their business for some other kind of enterprise.

While the adjustment is going on there is always

## THE CORPORATIONS—*Continued*

friction and loud complaint. New shoes gall the feet sometimes because they do not fit and sometimes because the feet are not accustomed to shoes. In great enterprises there always is much of pioneering to be done, many experiments to be made, many points at which there is friction. But it is as costly to the enterprise as to the people. Intelligence will yield a mutual forbearance.

The astonishment in a land of our tremendous area and resources is that the corporations have accomplished as much for the public as they have. Nearly every invention has been displaced by a new one. No sooner has steam been adopted and well settled to its place as a motive power than electricity comes along to contest its supremacy. No sooner is one great engine invented than some one produces a greater. One generator drives another out of the market in rapid succession. Enormous traffic calls for new bridges, new rolling stock. The impatience of an unreasonable traveling public demands shortened schedules and curves are straightened and tunnels are bored through mountains. Fabulous millions are put at the disposal of the people at a cost astonishingly less than they could render the service to themselves by any other means or than was possible by any means fifty years ago.

Commodities are cheapened again and again until they cost less than the slowly hand-made packages which conveyed them cost in the days of our fathers. A small per cent on an immense trade is the profit

## THE RAID ON PROSPERITY

we pay to corporations. A large profit on a small business we used to pay the individual.

But we think of none of these things. The more we have the more we clamor. It has been shown that labor gets three or four dollars out of about every business where capital gets one in profit, but because we see the vast aggregate of the one and because the other is distributed among the multitudes we cry out against the grinding corporation. Because the man who puts, by the genius of his mind or the savings of investments of a generation or two or several generations, which in the latter case have descended to him, into the work of a hundred or a thousand men, the man who puts in the work of one man only, and does not save that, thinks that the inequality of living is due to the disjointed times which the demagogue tells him can be cured if he himself can only get into office.

And that is largely the secret of the present uproar against corporate business. Politics has made it an issue and the politicians are tumbling over each other with their economic nostrums which they offer attractively to a public whose discontent they have created, but whose discontent is magnified far beyond the actual facts.

It is my opinion that the multitudes of our intelligent people are not responsive to attacks upon railways which are enlarging their markets and bringing them into connection with all the earth, nor to the violent assaults upon corporate business which has

## THE CORPORATIONS—*Continued*

made the most inland farm to have and enjoy those things which a few decades ago were the exclusive luxury of the rich.

The insistent charge that the people are victims of corporate greed, that they are being crushed by the merciless arms of the octopus, is as false as it is insulting to the intelligence of the people. When the facts are sifted out, when the self-interest has been weighed and put over to its own account, when the theorists and self-seekers who care not whether a thing is true or false are silenced by indisputable facts as they will be, we shall find that the public debt to corporations is so great that their mistakes, their wrongs are not appreciable by comparison.

It would be interesting to poll a community and ask each man on every street: "Have you consciously suffered by a railroad, have you been ground down by a trust, is your life less prosperous or happy than that of your boyhood or that of your father or grandfather? How came you in this comfortable home, with a business that supports your home so luxuriously, if everything is going to pile up 'predatory wealth' 'out of the pockets of the common people,' and how happens it that the conditions of the neighborhood have been improving for a generation and are now improving? How did you, a mechanic, get this cottage and this green lawn and your savings-bank account with your daily wage? Whom do you get it all from and what is the kind of business that gives it to you?"

## THE RAID ON PROSPERITY

The most gigantic piece of impertinence that ever has been thrust into the faces of the American people is the hourly and daily talk of their being ground down by trusts and robbed by capital and run over and run down by railways and other so-called utilities. It is an insult to our common intelligence that ought to be rebuked.

If there is any man that should be relegated to private life that the sphere of his influence may be narrowed as much as possible, it is the agitator who has neither statesmanship to discern the signs of the times nor the common honesty to verify the unfounded and untrue charges with which he assails the business and social conditions of the people.

The burden of a fair criticism of these times would not be the evils of our forms of business but their amazing efficiency. The people are not oppressed by the corporations, but the corporations by the people. And by the people I do not mean the great masses of the people, but those forms of legislation and administration which we call the government by the people—a government that is used to attack anybody or anything in any way that may serve a party, a government that is an amazement of strength after being run now in this direction, now in that, now for the Constitution, now against it, now for the States and now against them, now with the tariff, now without it, now chartering the great corporations, now assailing them and persecuting them according to the fortunes of conflicting parties and the issues which

## THE CORPORATIONS—*Continued*

their ingenuity may devise to accomplish their ends. With what lumber have we scaffolded the Constitution of the Nation and the Constitutions of the States to secure the people against the corporations? Look at our commissions with their trained olfactories, mark the doings of the courts, note the frantic prosecuting officers with their subpœna servers. What astonishment we should see in the eyes of the statesmen whom we had in the days of statesmen when moral convictions made wise and sound principles stable; with what amazement a Washington, a Jefferson, a Madison, and an Adams would look upon this scaffolding of the structure which they reared only a hundred and twenty years ago.

Imagine what will be the astonishment of the economic student of a hundred years to come as he reviews the childish alarm of such a time as this.

Could there be anything more puerile than the appointing of men untrained, inexperienced, and without financial responsibility for their acts, to control railways and to report upon the management of corporations that would not intrust them with a subordinate executive position—that they cannot discuss even intelligently, as has recently been shown in the case of a certain report by one of these plainly prejudiced commissioners!

Men of lifelong training, men who know that the success of the business and the interests of the people must coincide, men who must give an account of their stewardship in dividends and a satisfactory serv-

## THE RAID ON PROSPERITY

ice to the public are subordinated to a body of men conspicuous on the world's waiting list for their lack of expert knowledge, men chosen to give their attention to a mighty business which never would have dreamed of employing them for any efficient service they could render it.

The railways are not to be owned by the people, but they are to be managed by men who know nothing about them.

But it is enough if they know the people and how to manage them. Something must be done to checkmate the ranting socialism of the other party if we all become socialists and if our commerce is discredited throughout the world.

## CHAPTER X

### THE STANDARD OIL COMPANY

**T**HAT corporation which has been the subject of the fiercest attacks because in a field of the sharpest competition has been one of the greatest benefactors our country ever has known, whether viewed as the laboring man's friend from his day wage to the lamp in his cottage, or as the producer of a civilizing force world-wide.

Until those men of genius who founded the Standard Oil Company came upon the ground and united their consummate ability and capital, the oil industry was feeble and aimless. But from that time its development has kept pace with the demands of the markets of the world. The producer has found a market for his oil as constant as that of the farmer for his wheat and corn, and the consumer has purchased his oil at a sum "about the cost of mineral water."

That mistakes have been made no one denies, but for them its friends do not apologize any more than they do for the mistakes of all kinds of business which have progressed to success. In business principles or in the application of business methods, its



## THE RAID ON PROSPERITY

men have been at least as fair\*as the independents who have fought them and who, animated by transparent motives, have succeeded through the press, the magazines, the legislatures, and repeated prosecutions in creating the intense prejudice of the people. The independent has done precisely the things which he accuses the Standard Oil Company of doing, in rebates and in the use of competitive methods of business, but strange as it is he has been honest and the Standard Oil has been dishonest and oppressive!

This mighty industry has grown up by the methods that have been recognized and used by all forms of successful competition. It has succeeded because of the combination of the leading experts in the oil industry at the beginning, and the use of an adequate capital by men whose marvelous ability would have carried them to supreme success in any field of activity to which fortune might have assigned them.

The Standard Oil Company is an industrial and commercial organization which from a modest beginning thirty-seven years ago in the State of Ohio has steadily grown to world-embracing proportions. It is to be expected of all businesses which endure for a like period that they will expand and increase in volume, provided first of all they find room for expansion with adequate supply of commodities, and secondly, that their leadership is active and intelligent. Because the Standard Oil Company has had these three favoring factors—supply, demand, and an organization in continuous and progressive action—it

## THE STANDARD OIL COMPANY

has become extended and prosperous. In this it differs from no other business of stability. It has had no patent of monopoly; it had no protective tariff laws whatever for its main product. All it has gained in the battle has been the result of hard, unintermittent work sustained commercial integrity, and effective management. Always its credit has been sound and unquestioned; always it has had the confidence of those with whom it did business and the zeal of those who worked for it. Never has it had difficulty with the consumers of its products. If its affairs called for courage and commercial stamina, it has always answered to the call. The heaviest demand on its resources and the occasional call for Titanic activity were met equally with the most faithful and painstaking questioning of the smallest details of the business. Such in simplest outline is and has been the Standard Oil Company's machinery.

Its opportunities were open to all. Nature has underlaid a portion of the surface of the earth with petroleum. Despite manifold oozeings of the fluid to the surface, the records of which unmistakably dot all historic periods and even show signs in the crepuscular or mythological period before history was born, the secret of the great subsurface reservoirs remained concealed until Colonel Edwin L. Drake's drill on August 28, 1859, broke through the crust of the ages near Titusville, Pa., and released the long-pent streams of "rock oil." Excitement, adventure, speculative investment and crude organi-

## THE RAID ON PROSPERITY

zation followed the discovery of petroleum. The field of operations extended as new seekers after the imprisoned rivers of oil pierced the surface with the drill. It is enough for the immediate purpose to note that from the little corner of Pennsylvania, field after field has been discovered during the last half century, and that to-day oil is found in sixteen States and Territories of the Union and in a score of countries throughout the world.

The business naturally fell into four divisions, production, refining, transportation, and marketing. For over ten years following the first discovery in Pennsylvania the oil business was practically a go-as-you-please affair. Prices were high but fluctuated violently. Supply was growing, demand keeping pace with it, yet the business that had such grounds for prosperity was uncertain and ruined many. Refineries large and small, mostly the latter, sprang up in the vicinity of the oil wells. Failures and fires were frequent. An Internal Revenue war tax added to the difficulties of the refiners and dealers, and many stills and refineries were seized by the Federal officials for nonpayment of the tax. Speculation ran riot and continually destroyed its victims.

It was inevitable in a community dowered with such organizing qualities as Americans have always possessed, that some strong hand should reduce the ferment and chaos of the oil business to order. That strong, sure hand was first seen when the Standard Oil Company of Ohio was incorporated at Cleveland

## THE STANDARD OIL COMPANY

in 1870. The new company was equipped to begin the work of standardizing the quality of oil and oil products of the world—a most important thing from the points of view of public service and safety—and at the same time approaching a standardization of prices to oil producers on one side and oil consumers on the other, solving besides the problem of continuous and economic transportation. The capital of the new concern was only \$1,000,000, but so attractive proved the plans and operations of the Standard Oil Company that rapid accessions of capital were made as other concerns, in obedience to the modern tendency to combination, came in, until in 1882, after twelve years of existence, the greater step of organization into a trust was made, when the combined capital it represented was \$70,000,000, afterwards increased to \$95,000,000. In attaining this growth in twelve years it had gradually attracted to it the ablest and most progressive brains in the business. The transport problem had passed from the stage of horse-drawn wagons and branch lines of railroads to pipe lines and trunk railroads, with the pipe-line service steadily growing. The refining problem had been solved by the creation of mighty plants with enormous capacity placed at strategic points for distribution. The utilization of by-products was pushed in whatever direction science could direct them. The export trade, organized with skill and success, took a commanding position in the markets of the world. American kerosene oil and all other products of the

## THE RAID ON PROSPERITY

crude oil were placed at the doors of consumers at home and abroad. Nothing has been able to halt this industrial and commercial progress. The organization of the Standard Oil Trust of 1882 was simply an expedient for better and more intimate management. At the end of ten years it was dissolved in obedience to the conflict of its organized form with newly made laws, and after a period of winding up its legal affairs, the business meanwhile being steadily developed, it was reorganized in 1899 with a capital of \$110,000,000 as the Standard Oil Company of New Jersey. In this form and with this minimum of capitalization it has remained to the present.

As the Standard Oil Company began its operations surrounded by rivals in the growing oil business, so it has since continued to have active competitors in every branch. With the exception of those planned in hopeless defiance of business principles and a few absolutely fraudulent concerns, these rivals have found the way to prosperity. Their business rating has increased continuously for the last ten years, the progressive record of many of the existing plants going far back of that period. They have, too, been most liberally capitalized. A recent examination of this point reveals that one hundred oil refineries out of the one hundred and twenty-five "outside," or as they are sometimes called "independent," refineries in the United States show a total capitalization of \$110,000,000. This, of course, does not include the

## THE STANDARD OIL COMPANY\*

capitalization of the well-drilling and oil-producing companies flourishing everywhere that oil is found.

The magnitude of the crude-oil output as the years went on, showing the increased flow with which the Standard Oil Company has had to deal, can be briefly shown. From 1859 to 1876 American petroleum was produced in the original field radiating from Oil Creek in Pennsylvania and crossing the near-by border into New York State. In the latter year Ohio, West Virginia, and California appeared as producers. Kentucky and Tennessee began in 1883 with a light production, which is latterly increasing. Colorado followed in 1887. Indiana, Illinois, Kansas, Texas, and Missouri came in in 1889. Indian Territory began its oil history in 1891, and Wyoming's first chapter was in 1895, while Louisiana first gave sign in 1902. The original field, known largely in the history to follow as the "Oil Region" because it ~~was~~ foolishly thought to hold all the oil in the oil world, has shown a falling off in production from the maximum of 33,000,000 barrels it attained in 1891. At present it produces but one third of that high figure, and furnishes little more than one twelfth of the total output of crude oil in the United States. With each successive expansion of the actual oil-producing territory new problems faced the Standard Oil Company in dealing with the enormously increasing production of crude oil. With what enterprise and skill it solved these problems is told in the story of the network of pipe lines, storage tanks, and strategi-

## THE RAID ON PROSPERITY

cally placed refineries promptly<sup>o</sup> taking the increased supply and as promptly meeting the growing demand.

In 1860, the year following the first discovery of oil, the output of petroleum in the United States was 27,300,000 gallons. In 1870, when the Standard Oil Company was organized, the flow at the wells was 237,678,000 gallons. In 1906 it was 5,257,099,890 gallons, or over twenty-two times the production of 1870.

A brief examination of the physical side of the company's operations will discover many matters of interest. Although its business at the start, thirty-seven years ago, was simply as a refiner and seller of oil, it necessarily became a collector and transporter, and subsequently, in a limited degree, a producer of oil. Outside capital has generally found it profitable to undertake the work of drilling and operating wells provided there was some organization at hand to take the oil at a fair price. This the Standard Oil Company was always willing to do, no matter what the initial cost. As time passed, varying conditions in new fields or slackening production in old fields forced the company somewhat into the arena of production, but it has never controlled over one third of the flowing well capacity of the country. The company's field force at the wells numbers 8,500 men.

But its task of collecting and transporting crude oil from the wells to the refineries has been limited only by the calls of the producers. Thus no less than 75,000 miles of two-inch pipe (known as feeders)

## THE STANDARD OIL COMPANY.

and three-inch, four-inch and six-inch pipe (known as trunk lines) are in operation to-day. These are subsidiary to the trunk line of six-inch, eight-inch, and twelve-inch pipe, and of these there are 8,000 miles in operation. From the feeders and semi-trunk lines the oil is collected in tanks holding 35,000 barrels each. A group of these, often of 100 and 200 tanks, set widely apart to avoid fire dangers, is called a tank farm. From these tanks the oil is drawn off to the trunk lines in charges of 350,000 barrels. Where the oil does not run by gravity powerful pumps are necessary to force it over intervening heights and hills. There are 70 pumping stations for the trunk lines, calling for engines from 80 to 800 horse power. The total storage capacity of the company (apart from the refinery tankage) is over 82,000,000 barrels. Often in the company's history, owing to sudden increase in the flowing oil in new territory, it has been necessary to take and store crude oil far in excess of the regular demand, involving months of continuous work as well as very great expense and risk. At times as much as 23,000,000 barrels of oil has been held in storage. Over 10,000 men are required to man the feeders; over 3,000 men are employed on the trunk lines.

The company operates 19 large refineries, some of them like the one at Whiting, Ind., treating as much as 30,000 barrels of crude oil a day and turning out 15,000 to 20,000 barrels of refined oil, according to the quality of the crude, with a corre-



## THE RAID ON PROSPERITY

sponding amount of other products of petroleum, such as gasoline and benzine, paraffine wax and candles, lubricating oil, fuel oil, and more than 200 smaller chemical by-products. Some refineries cover as much as 200 acres of land with their stills, agitators, pans, tanks, etc. In the early days refineries handled as little as 25 to 30 barrels of crude oil a day. To some of these modern refineries are attached barrel-making, boxing, and tinning plants, sulphuric acid works, etc. The refineries employ over 20,000 men.

For the selling and marketing of oil and oil products the business naturally falls into two divisions, one concerned in merchandising for the domestic trade and one for the export trade. For the domestic trade (including Canada) there are 3,900 stations, each equipped with at least one 35,000 barrel tank, employing in addition 5,000 of the company's tank wagons; using also 8,800 railroad tank cars, and employing 12,200 men.

In the export trade (which constitutes sixty per cent of the company's business) the Standard Oil controls or owns a fleet of 60 tank steamers for ocean service, 12 tank steamers and tank barges for coasting trade, 5 cargo steamers for cases of 10 gallons each and 19 sailing vessels, chartering, besides, in 1906 tank steamers carrying 57 cargoes in bulk, ordinary steamers to carry 94 cargoes of case oil, and sailing vessels to carry 50 cargoes of case oil. It is not merely the question of supplying the great foreign demand that occupies this branch of the company's

## THE STANDARD OIL COMPANY

business, but in meeting the opposition from the products of the oil wells of Russia, Galicia, Roumania, the Dutch East Indies, Burma, as well as the Scotch shale oil. The trade calls for much tankage and warehousing, office force and labor abroad, employing in Europe, Asia, Africa, South America, and Oceanica over 12,000 men. In all, the labor army of the company numbers over 65,700 men.

The perfecting of the necessary organization for the company's purposes has been a great and continuous labor. It is probably true that no other very large concern in the industrial or commercial world has had applied to its conduct an overseeing so constant and critical on the part of its highest leaders. Here is a directorate that directs, an organization that from head to foot includes no drones. Daily its executives meet in an executive session and promptly decide all questions of business policy and practice. The condition of the business in all its parts is examined all the time with care; its court of appeals is always open.

In the handling of this grand army of labor with its chiefs, its subchiefs, its captains and subalterns, together with the men under their command, the method of promotion by merit is strictly observed, furnishing a "civil-service" system antedating anything of the kind in American civil life and continuing in unbroken succession to this day. And never was employer better served. The old idea that loyalty in the employee was almost wholly dependent on the

## THE RAID ON PROSPERITY

personality at the top of the pyramid of labor has been exploded. In the Standard Oil Company he has found a corporate employer with a fixed policy of friendly regard. Every employee is made to feel that all the possibilities of rise in the scale of position and remuneration are open to him. He has the example all around him of men whose rise to places of high emolument and responsibility has been conditioned solely on their skill and loyalty. He knows that a pension waits on faithful service.

What large share of the success of the company is due to the solidarity and devotion of its employees has never been properly estimated by the public. All disputes as to wages whenever they have arisen have been amicably adjusted. Freedom from strikes has been one source of economy; a determination that no day's task completed shall make a smaller showing than that of any other day has been a continual source of gain. And all this because the fellow-feeling of man for man has never departed from it. Attacks from without have always drawn the ranks closer together and the forward march has been continued shoulder to shoulder to a cheery tune at a lively step.

Whatever share this democratic union of mutually respecting employers and employed has had in the company's success, it is, however, second in place to the record of its relation to the millions of the consumers of its products in thirty-seven years in every quarter of the world. There is the supreme test of

## THE STANDARD OIL COMPANY

abidingly honest quality in what is sold and what is cheerfully paid for. That record stands undimmed.

In the conduct of its enterprises and its business the company has been naturally brought in contact with the business world all over the globe, yet its share of differences with individuals or groups has been exceedingly small, and its commercial litigation infinitesimal. Consequently, in the commercial world anywhere an agreement, bargain, or contract with the Standard Oil Company in any of its branches stands among the most desirable. In its career, the coming to its side and entering its fold of men who began by opposing it and ended by championing it, has been a commonplace. Many of such men are in charge of its fortunes to-day. When these things are considered it will be understood how complacently the attacks, often bitter and malignant, of its rivals in the oil trade have been endured. It has consoled the company when the attacks were taken up by public men and newspapers, for if the company was honored and trusted where most of its credit and reputation were at stake, namely in the sifting and searching process of daily, weekly, year-in-and-year-out dealing with the acute, unsentimental men of business, it could withstand the assaults made in ignorance and malice. The magnitude of its concerns excited envy perhaps; its progress needlessly alarmed the theoretical doctrinaires, when its honest purpose and conduct should have reassured anyone of open mind and average intelligence taking the pains to inform him-

## THE RAID ON PROSPERITY

self. Even when made the target of a law which the President of the United States recently characterized as "the road to business chaos if administered in its letter and spirit," the Standard Oil Company has gone peaceably on its way, confident in the return of the reign of good sense in the country.

The Standard Oil Company's advance has been logical; its triumph over obstacles whether natural, artificial, or merely revengeful, has been the result of calm persistence in grappling upon strictly business footing with whatever problem comes before it.

To every assault a proper response has been given, and many untruths regarding the Standard Oil Company have been refuted over and over again when repeated at the instance of business rivals and misguided newspapers. But the steady growth of the Standard Oil business is the best answer to all who calumniate it. A business which is not conducted on the highest level of commercial morality never has long survived. Commercial morality is the ideal of civilized peoples. The necessary conclusion is that if the Standard Oil Company had failed to observe the moral law it would, at the end of thirty-eight years, have a story to tell differing widely from the record of success, confidence, and esteem in the business world of which it can proudly boast.

An examination of the United States Steel and other great corporations would show results equally astonishing in the upbuilding of our country and suggest the question as to what possible gain is to be

## THE STANDARD OIL COMPANY

realized by embarrassing or destroying such tremendous interests. They are too important for malice or revenge to trifle with, or for impulsively made laws to invade with exactions which if successfully enforced would be destructive.

I have given a brief and imperfect outline of one of the so-called trusts and the one most bitterly, as it is most unjustly, assailed, to show the magnitude to which modern business methods have grown, and how utterly puerile is the thought of restraining them and putting them under the supervision of the politicians' commissions or into the hands of their receivers!

The Standard Oil Company is accused of receiving rebates from railways in its earlier history and thereby crowding out competitors. And much is made of rebates on its competitors' goods. In the early days of the oil production every shipper by rail got what rebates he could; it was the general practice to give them by the railroads and accept them by shippers. In 1877 an agreement was entered into by the Standard Oil Company with the Pennsylvania Railroad by which the Standard undertook the duty of "evening" in a new freight arrangement which apportioned the oil to be carried among the interested railroads in certain agreed proportions, and for this service (an onerous and exacting one) the Standard Oil Company was to receive a commission of ten per cent on all such freight carried, the terms to be open to all. This arrangement lasted

## THE RAID ON PROSPERITY

about two years. (See Montague on "The Rise and Progress of the Standard Oil Company.")

This arrangement was not confined to the Standard Oil Company, but was one of those crude attempts which characterized the experiments of the railroads in efforts to adjust the competition between themselves as railroads and between themselves and their patrons who furnished different amounts of patronage, thought at that time by all roads and by about all business to call for discrimination. It took the form of rebates all over the country with all great shippers where there was any competition of traffic.

Since rebates were made illegal by the passage of the Interstate Commerce Act in 1887 no rebates have been asked or accepted by the Standard Oil Company. The recent and pending lawsuits against the Standard, as, for instance, the Chicago & Alton Railroad case before Judge Landis, have not charged rebating, as the newspapers constantly fall into the error of saying, but aver the acceptance of rates not listed and lower than what they term was the legal rate. The defense naturally differs in the several cases, but in general it is a denial that the rates were exclusive or secret or illegal, and all the cases turn on minute technicalities put forward by the government. This I will take up more fully in another chapter.

The greatest crime alleged against the Standard Oil Company seems to be its gigantic success by the genius of its management and the marvelous resources

## THE STANDARD OIL COMPANY

and opportunities which it has discovered and utilized in the vast regions of its operations.

It has done a business which its accusers were trying to do, and its great profits have been the reward of enterprise demanded by a tremendous age. To condemn such a commercial success is to oppose the movements of a new age, which in all things, except the capability of the agitators to appreciate it, is supplanting the passing one in nothing more startlingly than in the magnitudes of business enterprise and endeavor. They are only proportional instruments and results of new genius and forces.

If there are tremendous profits they are upon an enormous business which has not been capitalized as fast as it has accumulated and the increase of which is due to peculiar conditions of the natural product, the astounding developments of corporate business which has legitimately succeeded the old forms of destructive competition, and the remarkable genius of the men who undertook the petroleum business when it was in a state of chaos and neither producer nor manufacturer was receiving a profit and the consumer was paying four times the present prices.



## CHAPTER XI

### STANDARD OIL DEFENDED BY ECONOMIC WRITERS

**A**S the Standard Oil Company has been the victim of such a blind prejudice created by a generation of venomous attack originating in the most severely contested competition the business world has known, it is only just that its methods and practices should have a hearing from impartial men competent to discuss them upon their merits.

All over the country there are editors, fair enough upon other questions, to whom the very name of the Standard Oil is the red rag. Upon seeing it, the consequences immediately follow. They are thrown into a rage and talk in superlatives. They know absolutely nothing of the great corporation from the inside or from unprejudiced sources. They speak of honorable men as "monsters," men whose personal integrity no man can impeach, whose names are unquestioned bonds around the globe, men who have the profound respect of their neighbors as well as of the business world. These editors talk of men who are as incapable of dishonest practices, and who are

## STANDARD OIL DEFENDED

as high-minded as they claim to be themselves, as scoundrels to whom no terms of obloquy are adequate. They condemn business methods which they never have examined except in the statements of the company's enemies.

Men with no other interest in this corporation than to know the truth and examine the plain facts, have studied its business methods earnestly and thoroughly, to come away convinced that the assaults upon the company are without justice or reason. They are the result of a gigantic misapprehension, perhaps due to the fault of the company in not vigorously answering accusers who have assailed them in malice or ignorance.

Certain well-known economic writers have examined some of the recent malignant charges against this corporation.

"Jasper Jefferson," an editorial writer upon finance and economics in *Leslie's Weekly*, a paper that cannot be accused of a partial leaning toward this corporation, has lately written upon what he calls a "New Light on the Standard Oil Company" the following:

"Every attack on an American industry gives our foreign competitors the ammunition they seek with which to destroy American competition. At the risk of being assailed as the defender of a defenseless trust, we recall one instance: The natural-oil industry of India is monopolized by the Burma Oil Company. Instead of being antagonized by the Indian

## THE RAID ON PROSPERITY

government, this monopoly has the latter's support to such an extent that it has refused to the Standard Oil Company the right to produce oil, and has even denied to the American corporation the right to erect tankage for storing oils. This outrageous discrimination against a leading industrial corporation of the United States by the government of India is based on the intimation that the United States government has classed the Standard Oil Company as an outlaw, and therefore it is not entitled to consideration. The result of this discrimination is felt by the people of India, for it is well known that the quality of oil sold in that country is the poorest, while the price is the highest, to be found anywhere in the world.

"This is a good time to remind the American people that the fight against the Standard Oil Company is not limited to the United States. It is going on everywhere, because its remarkable success makes it a shining mark for all competitors. The production of petroleum in Russia, Roumania, India, Galicia, Sumatra, and Borneo, in the aggregate, is greater than that in the United States; yet the American company has been able to meet this formidable competition, and recently dispatches from London have announced that it has finally succeeded in winning the great struggle for the supremacy of American petroleum in the markets of Europe. This triumph, in which every patriotic citizen of this country should rejoice, has compelled an arrangement with the foreign producers by which a certain percentage of the business has been conceded to American petroleum by that most formidable opposition of foreign-oil producers, headed by the Rothschilds, the Nobels, and the German banks, representing oil companies with shares aggregating over \$500,000,-

## STANDARD OIL DEFENDED

000 in market value. Have the people of the United States reason to be ashamed that an American corporation has been able to achieve such an astonishing success abroad? What other set of men or aggregation of capital has ever won anything like such a victory in Europe for an American product created by American labor?

"Attacks on the Standard Oil Company have been instigated in nearly every instance by the greed or envy of its competitors. Very recently, in a hearing at Washington before the Interstate Commerce Commission, an independent oil refiner, Mr. Byles, of Oil City, while complaining against the Standard Oil Company, admitted that when he started in business he had a capital of only \$10,000 and that he was now worth \$300,000. This does not look as if the Standard Oil was driving its competitors out of business. Mr. Byles, according to the press dispatches, while complaining of rebates given to the Standard Oil Company, admitted that he had asked for and obtained rebates for himself.

"The burden of complaint against the Standard Oil Company has been that it was favored in its early history by generous rebates by railroads which it patronized. It is not charged that these rebates are now being granted. The fact is that they were long since discontinued. Their origin was not due to the Standard Oil Company. This was made clear by Secretary of State Root in his recent lecture at Yale College, when he said truthfully, and no doubt to the amazement of his hearers, that 'Thirty years ago all railroads gave special rates to shippers. It was by giving special rates that railroad companies induced people to build factories, packing houses, and elevators, and a great variety of other business establish-

## THE RAID ON PROSPERITY

ments along the lines of their roads. That was the way that they built up their business and built up the country through which the roads ran.' Is the Standard Oil to be blamed that it took advantage of the same opportunities that were given other industries thus to build up its business? If not, what justification is there for the statement in the recent report of Commissioner of Corporations Smith that 'the scandalous railway discriminations obtained by the Standard in its earlier years as against its competitors did more than all the other causes together to establish it in its controlling position'?

"This differs entirely from the analysis of the situation which our astute Secretary of State has given. Nor did Secretary Root in his scholarly speech at Yale hesitate to say that if the facilities of transportation enabled combinations to be made, for the purpose of overcoming competition, restricting production, and reckoning prices, it must be borne in mind that 'On the other hand, labor organizations, designed for the just purpose of securing fair treatment as to employment, wages and hours and conditions of work, are, on their part, endeavoring to put up prices, restrict production, and drive out competition by stringent rules which prohibit any member from doing more than a specified amount of work each day under penalty of expulsion, and which prohibit the employment of anyone not a member of the union, under penalty of a strike.' Has anything been charged against any combination of capital that is more monopolistic?

"Commissioner Smith admits that the Standard Oil Company is not a monopoly. He admits that the system of railroad rebating has been substantially abandoned, and he acknowledges that seventy-five in-

## STANDARD OIL DEFENDED

dependent companies are engaged in the refining of crude oil in different parts of the country. Two of these are large concerns, the Pure Oil Company and the Tidewater Oil Company, both located at the seaboard and both having their own pipe lines. The other independent refineries are located in the oil regions, where no pipe lines are needed, and they enjoy many advantages because of this location; yet Commissioner Smith denounces the Standard Oil Company most particularly because of its pipe-line system and the rates it charges for the transmission of oil for independent refiners. The Standard Oil Company has a number of pipe lines which are and always have been common carriers. The rates established have been in proportion to the railroad rates. Its pipe lines that are not common carriers are located largely in the Indian Territory, where the rights of way were purchased by the company, and where the pipe lines are, therefore, claimed by the Standard Oil as its private property just as much as the pipes laid to its refineries for carrying water. It must be remembered that all of these pipe lines were built by the company for the purpose of supplying its own works, just as its competitors have built their lines in this and foreign countries.

"The regulation of the production and sale of petroleum and its products became necessary because petroleum in this and in other countries was produced in excess of the demand. The production of this country alone to-day is about 400,000 barrels per diem, while the consumption (that is, the part converted into salable products) is only half of this, the balance being wastefully used in some instances, as in California for the making of roads, and in other places as a substitute for fuel. It is to the advantage

## THE RAID ON PROSPERITY

of the producer to have a steady and reliable market, and not a surplus and a declining market.

"The aim of the Standard Oil Company constantly has been to cheapen the cost of oil to the consumer, and to this end a most important factor has been the cheapening of the cost of transportation by the construction of pipe lines. At first these lines were experimental, and it was a serious question for a time whether the large amount of money invested in them would not be lost. It was this company which established delivery tanks in all parts of the world, filling them by the use of tank cars, and making distributions to the retailer by the assistance of tank wagons, thus saving the cost of a smaller package. It is an established fact that, with the decrease in the supply of timber available for the manufacture of barrel staves, it would have been impossible to-day to provide sufficient barrels for transporting oil to the various markets of the world. Hence the creation of the delivery tanks.

"It has been the constant aim of the Standard Oil Company to increase the uses of petroleum so as to utilize the surplus product. It undertook the manufacture of oil-consuming stoves, lamps, and even of wicks for the lamps, so that it might supply these at cost, and absolutely without profit, for the sole purpose of stimulating the consumption of oil. It is estimated that the sale of oil stoves, oil heaters, and lamps amounts annually to hundreds of thousands of dollars. The advertising of the Standard Oil Company naturally is for the benefit of not only the producer of oil, but also for the benefit of its competitors, as it makes an additional demand for the product. The company is therefore doing pioneer work. Investments made by the company in oil regions which

## STANDARD OIL DEFENDED

have become exhausted are an approximate loss. It has empty tanks in the abandoned oil fields of the two States of Pennsylvania and Ohio which, in the prosperous tide of oil production, would contain the enormous amount of 40,000,000 barrels of oil.

"The public has become so accustomed to attacks upon our great industries, or those of them that have been singled out for abuse, that it fails to give fair consideration to both sides of the question. It is accustomed to think of the Standard Oil Company as the property of a few men. The Commissioner of Corporations, Mr. Smith, in his report makes this error. The stock of the Standard Oil Company is owned by about 6,000 shareholders. The business has been built up, it is true, by a few of the pioneers in the oil industry, and its magnificent proportions must be regarded as an evidence of their rare skill and ability. If they have sought, by every legitimate means in their power, to overcome competition, to take advantage of every favorable circumstance to develop their business (which though larger in the aggregate is less in percentage than in past years), and to secure as much of the world's trade as they could, they have done only what every merchant who succeeds has done, and must do, to achieve success. As the Secretary of Commerce and Labor, the Hon. Oscar S. Straus, said before the Association of Manufacturers in New York recently: 'It is not within the power or proper sphere of the government to equalize competitors, but it is within the power and proper sphere of the government to equalize the opportunities of competitors.' No one can find fault with this broad statement by a Cabinet officer, himself one of the most successful merchants of New York City, and therefore well qualified to speak."



## THE RAID ON PROSPERITY

The *Financial Chronicle*, which cannot be accused of a bias toward the Standard Oil Company, published May 25, 1907, the following editorial on Commissioner Herbert Knox Smith's first report on the petroleum industry, submitted at the beginning of the Chicago trial:

"The report which the Commissioner of Corporations, Herbert Knox Smith, has just submitted to the President on the petroleum industry, and particularly the Standard Oil Company's share in the same, deals with some matters of wide interest. Of still wider moment, however, are the Commissioner's recommendations. These propose some novel rules and principles. It is important to every man to know, therefore, whether the proposals are founded in equity and justice and would be in accordance with that spirit of fair dealing under which enterprise in trade and industry has so long flourished in this country.

"We are not concerned to defend the Standard Oil Company. This much-criticised corporation apparently has no friends, and to the student of affairs it seems as if it did not desire any. What is more, it does not appear to suffer much for the lack of friends. Despite the attacks made upon it and which have emanated from every quarter, its business continues to thrive and prosper. The secret of this is well understood by all those who have watched its rise and progress. Its unrivaled business methods are at the bottom of it.

"The report of the Commissioner of Corporations, which is based on the investigation made by Commissioner Garfield, sweepingly condemns the

## STANDARD OIL DEFENDED

company, and yet in the main is a tribute to the keenness of its methods—all the more striking inasmuch as the Commissioner furnishes this tribute and testimony unwittingly. The popular supposition, no doubt, has been that the company held a monopoly of the oil lands in the United States. Not so. The report tells us that out of a total production of crude oil in the United States in 1905 of approximately 135,000,000 barrels, not over one sixth came from wells owned by the Standard Company or affiliated concerns; furthermore, that in no one of the great fields did it produce over fifty per cent of the total. Nevertheless, it is stated that in 1904 it 'refined over eighty-four per cent of the crude oil run through refineries; produced more than eighty-six per cent of the country's total output of illuminating oil; maintained a similar proportion of the export trade in illuminating oil, and transported through pipe lines nearly nine tenths of the crude oil of the older fields and ninety-eight per cent of the crude oil of the mid-continent or Kansas Territory field.'

"To what, then, does it owe its supremacy and success? Commissioner Smith says 'that its growth and present power rests primarily on the control of the transportation facilities.' What are its transportation advantages? Until within the last twelve or fifteen months the average man, basing his opinions upon the statements appearing in the newspapers and made in legislative halls, would doubtless have asserted that these advantages consisted of secret rebates and concessions in rates, which were withheld from its competitors. The Commissioner's report charges it with having been the recipient of railroad favoritism in the past, but assigns its present advantage to control of the pipe-line facilities. The pipe

## THE RAID ON PROSPERITY

lines are declared to be the only effective means of marketing most of the oil, so that these give as complete a control of crude production as by direct title to the fields, with the result that the Standard is almost the sole purchaser and its daily quotations for oil are the 'official price' in most of these fields.

"The fact should be carefully noted that, according to this official document, the company's advantage comes, not from its influence or control over the railroads, which are in every way public agencies, but comes from its pipe lines, which are solely a private investment incident to the development of its business. In other words, it has its own private agencies, built up and developed with much skill and foresight, which it is using and which are giving it such a great advantage. The report observes that the Standard's pipe-line system in 1899 was stated by leading representatives of the company to comprise 35,000 miles of pipes of different sizes and to represent an investment of \$50,000,000. This, it is remarked, was probably an overstatement as to investment. Since then the addition to the mileage and to the actual investment, it is declared, has been probably not less than thirty per cent. Through this immense pipe-line system, oil is actually piped the full distance from Indian Territory to the Atlantic Ocean. It is added that the lines are so connected that any refinery of the Standard from Kansas to the seaboard can be supplied, if desired, with oil from any one of the four great fields. Only one competitor of the Standard has attained any importance in trunk-line transportation in any of the four fields, namely the Pure Oil Company, and its length of trunk-line system of pipe lines is given as less than 550 miles.

"The other charges and allegations against the

## STANDARD OIL DEFENDED

Standard Company are of much the same nature and bear further testimony to its unexcelled business methods. Thus the company has taken advantage of the opportunity offered by its pipe-line system to select favorable refining localities. Whereas most of its competitors, because of their inability to construct or maintain similar pipe-line service or to use the Standard's pipe lines, are compelled to locate their refineries near the oil fields, and then ship their refined oil long distances by rail at heavy cost; the Standard Oil Company, on the other hand, has refineries at 'numerous strategic points.' These last give it a very advantageous position for the distribution of its refined product to markets, not only in this country but abroad as well. By means of its pipe-line system it is able to get crude oil to its refineries at comparatively small cost, while the distribution of its refining plants greatly reduces the average length of the rail haul for its refined products, with consequent reduction in freight expense.

"Another expedient, it seems, of which the company avails itself is the tank system, whereby it is enabled to handle its oil in bulk from the refinery to the small dealer. Tank wagons, it is asserted, were used by it in eighty-one per cent of the towns and by the independents in only 38.6 per cent. The relative greater use of the bulk system of delivery by the Standard than by independent concerns has an important bearing, it is declared, on the degree of monopoly power enjoyed by the Standard Oil Company. In the first place, the shipper of oil in barrels or other small packages pays freight on the weight of the container as well as on the contents, whereas a tank-car shipper pays only on the weight of the oil. Again, freight must be paid on the empty barrel when retained, or,

## THE RAID ON PROSPERITY

if sold without returning, there is often some loss. Furthermore, the cost of teaming oil in barrels or other packages after it has been delivered at railroad stations is often greater than the corresponding cost of local delivery in bulk. Finally, the bulk system is greatly preferred by retail dealers as being cleaner and safer.

"It furthermore appears that the Standard makes direct sales to retail dealers, and this, in conjunction with the advantage of bulk delivery, favors, it is argued, the practice of price discrimination so destructive of competition. If the Standard Oil Company sold its oil through jobbers, the report says, it would have to charge substantially the same net price for all parts of its product, as the logical result of a large wholesale business is to equalize prices after allowing for cost of delivery. But we may be permitted to ask, is the Standard Oil Company the only enterprise that is seeking to eliminate the jobber or middleman and thus get goods cheaper to the consumer?

"But what remedy is suggested for this condition of things? Nothing less than depriving the company of the fruits of its skill and enterprise. Commissioner Smith would even go further than Congress has gone in the attempt to regulate the matter. By the Hepburn Rate Bill of last year, it will be recalled, the pipe lines are brought under the provisions of the Interstate Commerce Law and made subject to the power and dominion of the Interstate Commerce Commission. Commissioner Smith's suggestion goes beyond this. He would not only make the Standard's pipe lines available to all producers and shippers but he would compel it to fix rates which would allow little more than a bare return on its investment. Here is what he has to say on this point:

## STANDARD OIL DEFENDED

“ ‘The bureau estimates that the operating cost of transporting crude oil from the several originating points of the trunk-pipe lines in the Appalachian field to the several tidewater termini—New York Harbor, Philadelphia, Marcus Hook, and Baltimore—averages about  $3\frac{1}{2}$  cents per barrel of 42 gallons. Adding an allowance of depreciation of five per cent on the cost of reproducing the lines (which is sufficient, with compound interest, to replace the entire plant in fourteen years), the total cost of transportation becomes a little less than 65 cents per barrel. A return of ten per cent on the estimated cost of reproducing the lines would amount to about 5 cents per barrel transported, which, added to the cost of transportation, gives a total of about 11 cents per barrel. The trunk-line rate from these points in the Appalachian field to Philadelphia is 39 cents.

“ ‘The operating expense of transporting crude oil from Lima, Ohio—the center of the Lima-Indiana field—through trunk lines to the seaboard is estimated at about  $5\frac{1}{2}$  cents per barrel; adding an allowance for depreciation at five per cent, the cost of transportation becomes about 10 cents per barrel. Interest on the estimated cost of reproduction at ten per cent would be about the same amount, so that a pipe-line charge of 20 cents per barrel from Lima to the seaboard would cover the cost of transportation and give a return of about ten per cent on the necessary investment. The pipe-line rate is  $53\frac{1}{2}$  cents from Lima to Philadelphia.’

“ ‘The *New York Times* in an editorial article recently pointed out that this announces a new principle in transportation charges. Mr. Smith proposes to base the rates on the cost of the service. The *Times* well says: ‘The rule with carrying corpora-

## THE RAID ON PROSPERITY

tions has been to establish the rate that will move the traffic'—that is to say, a rate based upon the market worth of the service, not upon its cost. That is the law of trade the world over. But to our mind this is by no means the only or even the main objection to Mr. Smith's proposal. The project if carried out in the way indicated would be an appropriation of private property to general use and the matter would be made worse by fixing the compensation for such use at an absurdly low figure. There are many persons who question whether Congress did not exceed its power when it undertook to bring the pipe lines within the provisions of the Interstate Commerce Law. But, waiving the constitutional question, there can be no two opinions of the injustice of an act that would compute compensation on any such basis as that outlined in the foregoing extract.

"Except in the fact that the pipe lines constitute continuous arteries for the carrying of a product, they have nothing in common with the railways. The latter manifestly should be open to all. They are highways for the transportation of goods and passengers, much in the same sense as the ordinary highways exist for the benefit of common vehicles and pedestrians. Then, also, the railroads are not limited to the transportation of any single product or commodity, but perform a general transportation business. Moreover, for the purpose of carrying on their function as transportation agencies they have been endowed with certain special powers which make it appropriate that they should be available to all without preference or favor. They are endowed, for instance, with the power of eminent domain. Mr. Smith, in speaking of the advisability of the independent refineries constructing their own pipe lines,

## STANDARD OIL DEFENDED

says that in certain of the States which would naturally be crossed by independent pipe lines no law now exists giving the right of eminent domain to pipeline companies. It thus appears that the Standard's pipe lines have not been built up to any extent, if at all, through the exercise of the power of eminent domain. Another point of distinction between the railroad and the pipe line is that the former requires an enormous amount of capital, the latter very little capital. The 224,000 miles of railroads in the United States represent a capital investment of over 14,000 million dollars. We have already seen that Mr. Smith thinks \$50,000,000 was probably an overstatement of the cost of the 35,000 miles of pipe line which existed in 1899. As a matter of fact the pipe lines simply consist of six- or eight-inch pipe and the cost does not average much more than \$1,200 to \$1,500 a mile. Finally, the pipes do not require any special bed or place in which to rest. They can be laid anywhere, since the oil is pumped through them.

"The matter, therefore, comes to this. Special facilities in a single department of industry have been created through the intelligence and foresight of the managers of the enterprise. In the whole history of the modern industrial world this has always been held as entitling those creating such facilities to the advantages and profits attending their operation. Is it not a most obnoxious doctrine to maintain that after these special devices have been in existence twenty-five or thirty years and their indispensableness and profitableness incontrovertibly demonstrated and established, the State should step in and say that competitors and rivals must be allowed to share in the benefits and offer a mere pittance by way of compensation? Note the effect. The creator of these special



## THE RAID ON PROSPERITY

agencies is to be allowed no special reward for its enterprise. All its labors are to count for nothing. The fruits of its skill and energy are to be shared on equal terms with the outsider who put no capital at risk, but who is now to enjoy the fruits as if they were the result of his own energy. Is it fair? Is it right? And if an entering wedge for such a doctrine is once provided, how long will it be before property rights everywhere will be subjected to a similar scheme of spoliation? And what difference is there between taking possession of property in this way for common distribution and the Socialist scheme of government? "

## CHAPTER XII

### THE STANDARD OIL COMPANY IN COURT

**A**S I have shown, no corporation in this country, or in any other for that matter, ever has been the victim of such malignant hate and tireless persecution as has the Standard Oil Company.

It has been pursued relentlessly by its unsuccessful competitors, who, failing in court, have gone to the public press. At last it has been assailed by the administration of the general government for political purposes, which the company, departing from a universal practice, ventured to answer. For this crime of self-defense it has been prosecuted in courts of the administration's own choosing, before judges which it had appointed, and before appeals could be heard in courts of law beyond the reach of spite and revenge, it has been haled as guilty with a great clatter of approval by a certain portion of the partisan press which has wished to vindicate itself for persistent slanders of the company and one of its chief figures.

Certain preachers of the sensational type, short of the gospel, and singularly forgetful of the mandate against unjust judging, have made attacks upon

## THE RAID ON PROSPERITY

the company the subject of their pulpit deliverances with nothing to support their slanders except the marketable sensational story of the magazine writer or the assault of some person who holds a grievance which is adroitly covered under specious pretenses of fairness and candor.

The most preposterous things are charged with regard to the increase at different times of the price of kerosene, charges which discredit the common intelligence of those who make them, if they believe such things, and their common honesty if they do not.

These things, because of the mistaken policy of the company in remaining silent, have been permitted to go on for a generation, gathering force, until they have created a public sentiment which shields unjust decisions of courts, as in recent notorious cases, and which makes it almost impossible to secure unbiased juries, especially when these preposterous accusations are given weight by a prosecuting administration.

Prejudice is excited by another mistaken policy of the company in the matter of its capitalization. Much is said in these days of overcapitalization. The fault of the Standard Oil Company is in the opposite direction. Its capital remains at a little over one hundred millions, although its property, like that of many other great businesses, has increased tenfold or more. Its dividends, therefore, are given out as forty per cent and at once there is a shout from the agitator that the enormous profit is obtained by grinding

## STANDARD OIL COMPANY IN COURT

the poor, when the actual profit on the total investment is far below those figures.

The statements are voluminous that this Trust has been convicted in nearly every State in the Union. Until the recent prosecutions, which more justly should be termed persecutions, no one of the convictions has taken place, while those of the past few weeks are appealed to the higher courts and, therefore, are not final convictions. The public owes it to itself to divest itself of prejudice and examine the facts.

In our country jury cases are tried so in the open that men not in the jury panel can judge as competently and often more so than the jurymen, for it sometimes happens, as in the Chicago case, that the public hears things kept from the jury.

Take the Chicago & Alton case against the Standard Oil Company as an example of the way cases are being managed to secure a verdict against the great corporations.

In that case, before the United States Judge K. M. Landis, the Standard Oil Company of Indiana was found guilty under the Interstate Commerce Law, on 1,463 counts, of using an illegal rate over the Chicago & Alton Railroad from Whiting, Ind., to East St. Louis, Ill.

The case turned on the question of the legality of the freight rate paid on oil, which was 6 cents per cwt. in carload lots. The government contended that the legal rate was 18 cents; so great a difference that it seemed a monstrous discrimination, if the

## THE RAID ON PROSPERITY

government's contentions were true. But they were not true. It was never asserted that anyone had paid 18 cents for carrying oil over that route. No other oil company had been charged that rate. In 1889 the roads running between Chicago and East St. Louis made a classification of rates, which was entered at Washington. In this, petroleum was put in the fifth class at 18 cents. *All the great staples*, however, were at once excepted from this "class" rating, and were put under what is known as "commodity" rating at very reduced charges, as will be seen farther on, *petroleum among the rest*.

Three railroads were available for the service of carrying the oil to East St. Louis; namely, the Chicago & Alton Railroad, the Chicago, Burlington & Quincy Railroad, and the Chicago & Eastern Illinois Railroad. Among these three railroads the Standard Oil Company divided its carload shipments in about equal shares. The three roads had made a "commodity" rate on petroleum of 6 cents, which was used openly and without discrimination for fourteen years (1891-1905) by the Chicago & Alton and the Chicago, Burlington & Quincy, while for ten years (1895-1905) the rate of 6½ cents (the equivalent of 6 cents, because it included a switching charge of one fourth of a cent) was used by the Chicago & Eastern Illinois.

Of these three roads the Chicago & Eastern Illinois was the only one that filed the rate with the Interstate Commerce Commission at Washington. By so doing it made the rate legal under the Federal

## STANDARD OIL COMPANY IN COURT

law. The Chicago & Alton failed to file the 6-cent rate at Washington, though it used it for fourteen years, and on this neglect or omission by the railroad the entire case of the government against the Standard Oil Company stands. The judge declared that the Standard Oil Company or any other shipper was bound to know that a rate had been made legal before accepting it!

It must appear at once to the impartial mind that a shipper would not enter into a criminal arrangement with the possibility of heavy fines with one road (the Chicago & Alton) from Whiting to East St. Louis when it could have shipped all its oil at the same rate over another road (the Chicago & Eastern Illinois) which had complied with all the legal requirements. This one fact proves conclusively a lack of criminal intent. The Standard Oil had absolutely no reason, financial or otherwise, for entering into a secret arrangement with the Chicago & Alton Railroad, or for giving that road any of its business, even had it known or thought that the Chicago & Alton as a common carrier had not complied with all the legal requirements. What possible advantage did the Standard Oil obtain? What trade of a competitor did it restrain?

In the course of the trial the question of allowing the Standard Oil Company to prove the absence of illegal intent was discussed at length for three days, the court finally and reluctantly deciding that evidence to establish innocence of criminal intention was com-

## THE RAID ON PROSPERITY

petent and admissible. It proved a delusive decision, however, for when the Standard Oil Company's counsel offered to prove the state of affairs set forth above, which would plainly show no intent to violate the law, the court decided that it was inadmissible and refused to allow the jury to learn that the 6-cent rate was legal over another road besides the Chicago & Alton; namely, the Chicago & Eastern Illinois. This latter decision governed the entire case, making counsel for the defendants feel that they had been victimized. The court refused to allow the 6-cent Interstate Commerce rate between the same points over the Chicago & Eastern Illinois to be made part of the record. How could the jury act intelligently without it? To rule that the company could show intent and then refuse to allow counsel to present the common tariff of 6 cents placed the company in a worse light before the jury than it would have been in had the intent been refused entirely. It was a seeming justice that was unjust.

The man who was General Freight Agent of the Chicago & Alton Railroad during the period covered by the indictment was not allowed to interpret his own tariffs and say what the rate was, but an ordinary clerk from the Interstate Commerce Commission was put up to testify as an expert and maintain that 18 cents was the only possible legal rate. In the face of these rulings and exclusions it was not extraordinary that the jury should have found as it did, but he who could contend that the equities were observed

## STANDARD OIL COMPANY IN COURT

in the trial would have difficulty to prove his contention.

When packing-house products are carried under the "commodity" rate for 10 cents, malt 7 cents, brick 5 cents, corn meal 7 cents, rosin  $6\frac{1}{2}$  cents, starch 8 cents, peas, beans, popcorn 8 cents, linseed oil in tank cars 8 cents, lard oil 10 cents, glycerine 8 cents, and so on, what a draft it is on human credulity for a government prosecution to bring forward an official to assert that 18 cents was the only possible rate on petroleum which had been carried by the three roads for from ten to fourteen years for 6 cents.

It has been a case founded throughout on the government's side of minute technicalities and presented with a ruthless exclusion of such contributory and explanatory relations as would have established the fact that the Standard Oil Company had paid no less than a fair rate of freight, and had paid it with perfect belief in its legality as well as its sufficiency.

To show that this opinion is shared by some of the most astute minds in the country, I present an editorial from the *Brooklyn Eagle*, well known for its independence and candor.

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### BARKED UP THE WRONG TREE

"It took a Chicago jury about two hours to bring in a verdict of guilty against the Standard Oil Company, charged with having sent oil from Whiting, Inc., to East St. Louis, at 6 cents a hun-



## THE RAID ON PROSPERITY

dred, the legal rate being 18. There was one indictment but many counts—1,463. For each offense, otherwise called a count, a fine must be imposed. When sentence has been pronounced the company may find \$29,260,000 added to its list of contingent liabilities. There is a large margin, however, between maximum and minimum, \$1,463,000 being the lowest figure at which the trial judge can mulct the corporation. His honor specifically charged that the jury must find intent on the part of the defendant to violate the law.

“Naturally, the verdict was hailed as a signal victory for the people. Culpability, not to say criminality, is assumed as a matter of course, when the defendant happens to be a great corporation, which is held to be synonymous with a grinding monopoly. Still, the fact remains that law is not presumed to differentiate, that it is protective as well as punitive, that it is defensive as well as offensive. Also the fact remains that injustice can be done to none without peril to all, rich and poor alike being in the same boat. And there are facts in the case against the Standard Oil Company, account of which can well be taken.

“There is railroad competition between the points alluded to above. The Chicago & Alton asked for part of the Standard Oil business, offering transportation at prevailing rates, 6 cents a hundred. The offer was accepted and the business divided. It appears, however, that the Chicago & Alton was a reorganized road and that its predecessor had published 18 cents a hundred as its oil rate. It also appears that this rate had gone into desuetude, being superseded in everything but the matter of publication, which little legal formality had been overlooked.

## STANDARD OIL COMPANY IN COURT.

Armed with this technicality, the government invoked the pains and penalties of the law.

"Statutes have been described as common sense crystallized. The defendant diverted to the Chicago & Alton part of the patronage two other roads enjoyed. As no other manufacturer ships oil between the points, there could, of course, be no effort to grind a competitor. And as neither more nor less was paid to one line than to each of the two others, it was a clear case of share and share alike as far as the carrying corporations were concerned. So, nothing can be clearer than that there was no motive for violating law, the one thing clear being the absence of inducement. Nor, finally, could any harm come to the consumer, the company's rule being to make the selling price plus the freight.

"For what, therefore, is the company to be fined? Certainly not for restraining trade, because there was no competition. Certainly not for aiding and abetting a railroad monopoly, because it distributed its patronage. Certainly not for conspiring and plotting to rob the consumer, because the aforesaid distribution cost him nothing. As a matter of fact, damage was done to literally nobody, neither public nor private interests being either injured or menaced. The head and front of the company's offending is that it did not pay a rate not only obsolete, but ridiculous. It only remains to be added that it is not more ridiculous than the law which in such circumstances is carried to enforcement. As to the government lawyers, they were barking up the wrong tree."

But added to this astonishing procedure which it would seem cannot stand before a court of law unless

## THE RAID ON PROSPERITY

we have become reduced to the arbitrary will of the executive branch of the government, which no one believes who recalls the history of our superior courts, is the equally astonishing demand of the Chicago judge that the company declare whether it had been convicted before! The reply of the Standard Oil Company's counsel upon that point is a clear and absolute denial of the company's offending at any time.

Of a piece with the other proceedings was the rounding up of men and dragging them halfway across the country under the pretense of ascertaining facts which never have been concealed and which are of such common fame that they are current among schoolboys.

This is the way we vindicate law in these days. This is the spectacular parade we make of it to show how impartial it is. We want the common people to know how impartial the law is if we have to harass some of our citizens to show it.

This in a nutshell is the case which justified the judge in pronouncing a fine of about \$30,000,000 upon the Standard Oil Company, with a vehemence of words and vindictiveness of manner, as represented by the press, which indicated resentment and other personal feelings that we do not expect in exact justice. That a judge pronouncing such an enormously disproportioned sentence should express regret that he could not make it greater shows the danger that popular agitation and excitement may reach our

## STANDARD OIL COMPANY IN COURT

courts of justice as has happened in other periods of the world's history.

That such a fine can be imposed upon a great business or industry under any commercial law also shows the looseness and recklessness of these recent acts of Congress for the regulation of trade. Could there be a more forcible illustration of the President's remark concerning another such law, that its enforcement would ruin the business of the country? It is a good time to recall General Grant's remark that the way to repeal a bad law is to enforce it.

But there are some interesting incidents attending this case aside from the deep interest which the administration has taken in it and its trial before an appointee of the President.

It will be remembered that at the beginning of the case and at a singularly suggestive point in it, Commissioner H. K. Smith sent forth a report attacking the Standard Oil Company vehemently. His report was so unjust that it was contradicted even by the critics of the company. Immediately upon the heels of the confiscating fine of the judge, a fine fifty times greater than all the oil transported, Mr. Smith appears with another assault upon the company, which the *New York Times*, never overfriendly to the Standard Oil Company, pronounces in an exceedingly able and fair editorial, as "in many substantial respects unfair and not sustained by the evidence."

At the same time another commissioner who had attacked the company in a former report gave forth

## THE RAID ON PROSPERITY

his voice in public that the Standard Oil Company would have to pay the fine. And this in the face of the fact that the company's case was to be heard in the highest court of the land. What shall be said for the judicial character of these men representing the administration, what of their sense of fairness and their good taste? Is it true that there is a well-laid scheme to secure the conviction of this corporation? Is this remarkable report timed to steady the public mind against a verdict so manifestly unjust that it is feared the people will resent it and make their protest? Probably not! It is only a coincidence! It is one which could have been easily prevented, however. And it is such a striking coincidence, taken in connection with the other report which was so startlingly timed, in connection with the trial, that people in this age, when there are so many interested in psychic currents and other such phenomena, are sure to remark upon it. Without drawing any inferences or suggesting anything dishonorable or that anyone had any personal interest in the unjust sentence, I take the liberty of referring the coincidences to the Psychic Association of Boston with a request that it give an explanation, the absence of which is an embarrassment to fair-minded persons who look at such things upon the surface through only the eyes of plain common sense.

As Mr. Smith's report seems to be a supplementary part of the Chicago court proceedings against the Standard Oil Company, I venture under this head to

## STANDARD OIL COMPANY, IN COURT

make one or two more references to it. He presents an array of statistics which in some hands are rather dangerous things to handle, and says: "The claim of the Standard Oil Company that its control of the business is due to its ability to maintain low prices because of superior efficiency is a complete misrepresentation of facts." To this the *New York Times* replies: "We do not think that experienced business men accustomed to the examination of trade statistics and familiar with economic facts and principles would concur in the conclusions of this report." "It seems to us that the picture presented by statistical tables and diagrammatic representations of the history of prices in the petroleum industry is that of a business carried on substantially under the conditions that govern most businesses intelligently managed in a modern way. They seem to us further to show that the chief, the dominating influence in lowering the price of illuminating oil to consumers during the past forty years has been that very 'efficiency' of the Standard Oil Company from which Mr. Smith withholds all credit." And the *Times* remarks further: "It cannot be doubted, we think, that if Mr. Rockefeller and the men about him had never been born and if no other men of equal capacity had organized and built up the great Standard Oil business and had normal competition always existed in the industry through the strife one with another of many companies with a few millions of capital, the price paid by consumers in this country for

## THE RAID ON PROSPERITY

illuminating oil would now be much higher than the actual quoted prices. That is what the price tables and diagrams not only of the reports of the Bureau of Corporations but of Miss Tarbell's book appear to show and demonstrate when interpreted in an unbiased way by the light of human reason and business experience." "Commissioner of Corporations Smith is unable convincingly to interpret the facts he sets forth, which is the same thing as saying that his conclusions are not demonstrated."

I have quoted from the *Times* because it is not possible for anyone who knows the history of that great paper to say that it has ever shown any bias toward the Standard Oil Company.

The last sentence quoted is most suggestive. It is a side light of very intense rays upon my contention that these immense questions of manufacture, industry, and commerce, of such vast interest to the people, have been handed over to incompetents who are doing the country enormous mischief. They would not have been tolerated an hour in times before these insane agitations upon questions infinitely beyond the agitators.

What a spectacle is this of a commissioner who cannot discuss with common intelligence the subject for which he is made responsible and whose unfriendly animus blinds him to common fairness and to common propriety.

Should not the men who are set to guide the country's thought in such matters have something of

## STANDARD OIL COMPANY IN COURT

the ability and experience and practical knowledge in a business of those whom they propose to arraign and condemn? Where is the common justice of permitting such feeble-minded and puerile presentations to prejudice a mighty business in the public mind and to obstruct it in foreign lands to which our export trade is extending?

One of the features of these wild prosecutions is most interesting as showing the incitement to activity upon the part of courts and prosecuting officers, investigating committees, etc. It ought to awaken a little sober reflection. I refer to the nomination of a judge who imposes an extravagant sentence or an attorney who runs down some corporation, for some high office. In less than twenty-four hours after the Chicago judge had pronounced his bizarre sentence upon the Standard Oil Company the politicians were proclaiming his name for Governor of Illinois!

Comment is unnecessary. We are in peculiar times. Anyone prosecuted may have the satisfaction of knowing that so it may happen to his neighbor if it can serve the new cause. Even the decisions of courts, however extreme, are not satisfactory. Mr. Bryan wails that the company will raise the price of oil and pay the fine. There is no satisfying the demagogy of the times.

But what Commissioner Smith calls his Part Two of Standard Oil investigation is still more interesting and suggestive. We have discovered that the commissioner's facts are disputed by men apparently



## THE RAID ON PROSPERITY

of as much personal integrity and of far more experience than he can claim for himself. But the logic of the report is sufficient for our purpose.

He says: "Meeting competition abroad it [the Standard Oil] has given the foreign consumer enormously low prices and it has used the profits made at home to maintain its position abroad so that the American consumer has been severely discriminated against," with other such charges! The only inference is that the Standard has been so anxious to do foreign business that it has used exorbitant profits extorted from the American public to help it do a business that it could not have done without putting into it home-made profits. Why did it desire to do such a losing business? This can only be explained in one of two ways, either the company is incompetent to do business or it is a case of abounding and astonishing benevolence to foreign nations! The plain statement of the commissioner is that it is taking profits from Americans and giving them to foreigners. If it is said that it is for a temporary purpose to overcome an enormous competition abroad, supported by the Rothschilds and others, then the complaint falls to the ground, for the establishing of such a great permanent foreign trade upon a sound basis is in the interest of the American public. But is the Standard Oil the only exporter that sells abroad for less than the home price? If not, why was not the commissioner fair and square enough to say so? Was he

## STANDARD OIL COMPANY IN COURT

trying to prejudice the public against the Standard? He ought to have known that steel rails, farm implements, carpenter's tools, and other such articles, are in the same class. Why are the sins of the Standard the only sins that shock Mr. Smith? Every novice knows that such export practices are often of the highest public value and no robbery of the public.

Another statement of this Part Two is, "It [the Standard] has pocketed all the advantages of its economics instead of sharing them with the public"! How long since a private business was required to take the public into partnership and do business for it? What other business shares its advantages, which, of course, means its profits, from its economics, with the public? It pays the public its taxes, it gives the public the best product it can produce at a price that pays only about five per cent on the total investments in its enormous plants. What more does any business owe to the public? And what more has the public a right to expect?

The logic seems to be that the Standard must do business at a profit to be determined by the Commissioner of Corporations, and all above that must be divided with the public. No balder socialism ever stalked through this country. It is no wonder that a leading socialist authority has said that socialists do not need to do anything more to advance their cause, for the present administration is doing it for them!

## THE RAID ON PROSPERITY

Another wail of this Part Two which emphasizes still further, as the *Times* charges, the incompetency of the commissioner to discuss a question of such magnitude, is the statement that the company "is adding monopoly profits and charging more than smaller and less economical concerns could sell for if the Standard allowed them the chance"! Are we to understand that these smaller concerns could do business for the public more satisfactorily because they are less economical? Or is the profit so great that it may be used to encourage the less economical? If they were more economical, could they compete more successfully? Then they and not the Standard are at fault. Is it the doctrine of economists that a business is to manage its affairs so as to aid its competitors and help them to a share of its trade and profits, or is this some more of the beauties of socialism?

Why is the obligation on the Standard Oil and not upon the Independents as well? If it is true that the latter have forced the Standard to charge more in some places that it may retain its place at a fair profit in others, why is the Standard the sinner in this competition and its rivals the saints? The wrong seems to be in the success. There is not a thing charged to the Standard that has not been done by the Independents and there is not a thing done by either that has not been recognized as legitimate in competitive trade since the world began. The same things have been done in various degrees in different places and

## STANDARD OIL COMPANY IN COURT

times by every form of business known to men both private and corporate.

But what is to come of all this agitation by impractical men who discuss business in an academic and oracular manner? The only thing that will come out of it will be to show the world the stupendous folly of it all at the expense of billions of money and the ruin of a great multitude of people. Not a natural and rational law of commerce will be changed. The business millennium will be as far away as ever, if not farther.

Who have applauded the unjust and persecuting attacks of the administration on this great corporation? The administration, the demagogues who deceive the misled and impulsive voters by claiming a great reform, the vindictive competitors who would have exacted greater prices, certain revengeful enemies, the socialists and anarchists, some writers for frenzied magazines, some slanderous yellow journals, and many honest people misinformed by persistent libel—these people rejoice.

Who have been injured by the attack upon this vast business and upon other corporations that history will give a place among the beneficent agencies of these times? Six thousand people who own the Standard Oil Company, and hundreds of thousands who own the other corporations, and all men who are concerned in well-paid labor or in investment or otherwise in the business of the country and its good name, have been injured.

## THE RAID ON PROSPERITY

Time will prove that the present administration was the most enormously expensive to business that our country ever has known, and there will be no compensating results to excuse or palliate the ruin which it wrought in its blind raid against a condition of prosperity which was the astonishment of mankind.

## CHAPTER XIII

### EXACT JUSTICE

**T**HE foundation of every permanent government is justice. Whatever it may secure to people in resources of wealth, whatever of wage-earning labor, whatever of liberty of franchise, if injustice can be done its citizens by insufficient law or too much law or by perversion of law by the arbitrary acts of administrators and the judges of courts, the government cannot endure. It is sure to perish if it cannot be reformed.

It has been the struggle of man in all ages to secure justice, and it is strange that those who have ruled him have refused it. These rulers have seemed to place justice among their prerogatives and to interpret it by their selfish interests and prejudices. It has been asserted as a divine right. But men have not submitted; they have made their protests all down the centuries. In most instances it has been upon such broad and plain definitions that "he who runs can read." But there have been subtle and insidious forms of injustice to which the people have been slow to awake. You find them in a Republic where the peo-

## THE RAID ON PROSPERITY

ple make their own laws and carelessly leave the interpretation of them to those who administer them. There is not a State of the Union where the laws which are administered are the exact laws on statute books. Large liberty of construction and administration is taken by executives, from governors to sheriffs; in some instances men have been appointed by the legislatures to compel men to administer the laws as enacted.

The theory of our government is ~~for~~ the most part sound. The practice in many cases is not so.

One source of serious evil is in the appointment of judges of courts by persons who are likely to have a political interest in the verdicts of those judges. This, which was foreseen by Thomas Jefferson, has been fully realized. There never has been a time when it was so prevalent and apparent as now. It has become a disgrace to the country, which will not be tolerated much longer if we are worthy of self-government.

The judges of the Supreme Court are appointed by the President of the United States. The consent of the Senate is usually honored in the breach. If an appointment is turned down, the President makes another, and in the end the will of the President is accomplished. Within the two terms of a President the majority of the Supreme Court judges may become his appointees. Federal Courts are more easily controlled and made the instruments of the President's pleasure. There are Federal Courts to-

## EXACT JUSTICE

day in our country in which the majority of the judges have been appointed by Mr. Roosevelt and there are men who are waiting his pleasure for every vacancy. Every one of these courts can be changed by a President to his liking at any time that there is a vacancy by death or resignation, for he has the making of such judges in his own hands. It is a remarkable fact that in this country to-day a number of the Supreme Court judges are appointees of the President now in office. Over half of the judges of the District Court, nearly half of the judges of the Circuit Courts, and a third of the Supreme Court judges have been appointed by President Roosevelt.

There would be no serious danger threatening from this fact, notwithstanding the fears of Mr. Jefferson, if the President of the United States would always keep himself strictly within the plain intent of the Constitution and keep his personal prejudices out of all cases before the courts. If the use of such power were taken from him, a President might be less tempted to influence the courts and dictate to them his will and pleasure.

Passing events may lead to amendment of the Constitution so that the President shall not have the power to appoint judges. It certainly is anomalous and plainly it is capable of great abuse. Why in our threefold coordinate government should the making of one branch be subject to the will of the other two, and practically to the will of one of the other two?



## THE RAID ON PROSPERITY

Why is it not more important to elect judges than to elect presidents and legislators? If the people cannot be trusted to elect judges, they cannot be trusted to elect Congress, the President, and Legislatures. If any men should be absolutely free from the pleasure of the executive branch of the government, they are our judges.

That the President may come to feel that he is not only responsible for the selection of judges but their opinions as well appears in the notable case of Judge Humphrey, whose recent opinion was displeasing to the President and who received a presidential rebuke for it; who was told, as the whole country was, that it probably would not be sustained by other judges! The emphasis of the incident is upon the assumption of a President of the United States that he had the right and privilege of meddling with the Judicial Department as though it represented him, and that he could discredit by public utterance the verdict of a court. What are courts worth if this is tolerated? Why then may not judges give the weight of their criticism against executive acts? Was there anything which our founders sought to guard more sacredly than the independence of the coordinate departments of our government? If an appeal is to be taken from a court, it is not to be taken to the President, but to a higher court. If a court is corrupt, impeachment is possible; if in error, an appeal can be taken—executive rebuke never.

Other incidents point to abuse of justice in the

## EXACT JUSTICE

use of courts for cases in which the President is interested if they have any meaning whatever. If that is not the meaning of such incidents, they are unfortunate coincidences. It may be replied perhaps that such a charge impeaches the honor of the judges and, therefore, is unworthy. But there should be no system of appointment by which such suspicion could be possible. Human nature is not infallible. If the judges were elected, the attempt to use particular courts would not be possible. It is well known that as soon as the processes were begun against the Standard Oil Company the newspapers began to weigh the respective courts and reckon up the probabilities of conviction in them. They even predicted the court in which cases would be tried and their predictions came true! A prominent New York paper said: "Right at the start the wise men who know what is going on in the Department of Justice [God save the mark!] came to the conclusion that it would be filed in the Eighth Circuit. It was a cool calculation of the chances of winning that determined the trust breakers to take St. Louis in preference to any other circuit. The court in that circuit is composed of four judges, three of whom were appointed by Roosevelt."

No one can deny that this was a very common thought among men who followed the case. Where was the justice? The region was known to be notoriously hostile to the Oil Company, and the majority of the judges in the circuit were appointed by the President, who began the case against the com-

## THE RAID ON PROSPERITY

pany by an extraordinary attack presented to Congress. Is there an instance like it among a free people?

These men were dragged fifteen hundred miles away from their central offices into a State that had been prosecuting them. For what purpose? Exact justice?

There are other instances in this administration. Several of them could be named, like the General Paper Company, the Sugar Trust, the Drug Trust, etc., etc., cases which might have been tried in other courts and which in common fairness and equity ought to have been, were arraigned in courts the judges of which were appointed by the President and with full knowledge of his declared interest in the prosecution of them. What hope of exact justice can there be under such circumstances and what hope in appealed cases if the courts are to be created by the chief prosecutor?

And it is at this point of the prosecution that the case becomes more startling. How unevenly are the balances of justice weighted when a President of the United States becomes the prosecutor! Can anyone doubt the influence upon his judges and upon jurors? Is there anything in judicial proceedings more amazing in the annals of our country? Under what provision of the Constitution shall the President become the prosecuting officer of the land? Is this the way the Constitution intended that he should see that the laws are enforced? It may be popular with a certain prejudiced and excited class. But is it safe?

## EXACT JUSTICE

Is it law? Is it justice? The Constitution says: "He shall from time to time give to Congress information of the state of the country and recommend to their consideration such measures as he shall judge necessary and expedient."

Does it require anything more than common intelligence to understand that that does not mean presidential attacks upon business by name or upon citizens characterizing them in the absence of indictment as criminal or dangerous or undesirable?

How long since the American people put themselves in the attitude by which their respective businesses or their persons may be held up to execration before the civilized world by the President of the United States? Does the *ex parte* report of a commission justify such a course? Then it is an emphatic reason why there should be no such commissions. Are cases to be known in this country as President's cases, brought to him by his commissions to vindicate some hasty and ill-considered utterance? If so, how will such cases stand in the courts?

We have just had an example of a man acquitted against such tremendous influence. In what light does it place the Chief Executive who condemned him before he was tried? Suppose he had been convicted, as it is remarkable that he was not with such influence against him, how would it leave the case? There would ever rest upon it a doubt of the justice of the verdict because of influences from the head of the government. •

## THE RAID ON PROSPERITY

Cases of so-called trusts are being decided. They are weighted with the strongest influences that can be brought to bear against them, influences that have given authority to sensational fiction, to hate of competitors, to prejudices of the uninformed. What is to be said for such a travesty of justice? Will convictions in the cases be untainted? Can acquittal be expected?

Can the American people view such a state of things with indifference? Does it not matter how we get at the merits of causes? Have we abandoned all interest in the processes of the courts and turned them over to men who seek to usurp them?

It seems to me that we should begin a work of restitution. When men at the executive head of States or the Nation force legislation to please themselves and insist that the representatives of the people shall renounce their rights and obey executive authority, when courts are told that decisions are not acceptable, when citizens are condemned by executive edict without judge or jury, when the business of citizens is arraigned and accused as violation of law on *ex parte* reports, when a subservient prosecuting machinery is set in motion and its actions are haled to courts so conspicuously representative of the prosecution as to be matter of common remark, it is time for the people of this country to rub their eyes open and look about themselves and make some very sharp inquiries. •

It does not make any difference what the charac-

## EXACT JUSTICE

ter of the accused may be. He may be all that he is painted. We do not help matters by prostituting the order of government to secure a preconceived verdict. The only safety of the innocent is in exact justice to the guilty.

Justice is a matter in which there must be no suspicion. The arbitrary acts of men may be applauded to-day by the parties in interest through prejudice, but they pass into history. There are acts which certain classes, and especially those of intense partisan feeling, are applauding that will be read in the history of this time with incredible amazement by students of the progress of republics. And they will not be applauded as wisdom and justice in that calm hour. The popular frenzies, the popularity, the glamour will have gone out of them and the only thing left will be a scale with no man's hand in the balance to tip it either way.

We must not only protect our courts, the final and only infallible resort in contentions among men, the only interpretation of legislation and executive prerogative, but we must insist that designing clamorous men shall not refuse or pervert justice by the creation of inimical prejudices and sentiment.

It has happened that persistent misrepresentation excites unreasoning hate which is incapable of listening to justice, and which often is made furious by a defense and becomes moblike in temper. When this state of things is general among the people; when it is allowed—even by the disdain of innocence—to in-

## THE RAID ON PROSPERITY

tensify into blinding passion, it becomes difficult to secure from courts, which are miniatures of communities, jury verdicts of exact justice.

We are addicted to the trial of causes by the press and common fame. Even professors in our universities, although happily very exceptionally, have been known to analyze the testimony of a witness and before a plea was made or the judge had charged the jury render through the newspapers an opinion absolute and infallible as to his credibility—an opinion which finally was not accepted by the jury.

It is only a few months since a judge presiding in Herkimer County, in New York State, felt obliged to vindicate the honor of his court by summoning to the bar certain reporters who took it upon themselves to decide the merits of the case on trial before him and to render their verdict in an offensive correspondence.

During the prevalent agitation against the corporate business of the country the feelings of a misled public have taken shape in a verdict of guilty upon the very announcement of an indictment.

The promulgating of certain strange doctrines of liability shows the tendency toward the substitution of popular clamor for the courts. We are told that if an employee is injured in a factory the law made to cover such cases should take no account of contributory negligence, but the employer should be compelled to pay without contention. The utterly daft demagoguery that seeks to capture the popular following flings justice to the winds and invites negligence and

## EXACT JUSTICE

carelessness. Ninety-five per cent of injuries to employees from machines is due to the ignorance and carelessness with which they run them. The employee spoils the machine. The employer has no redress if the employee chips off a finger when he does it. He violates express and particular orders in mixing cement and as a result a floor falls and destroys tens of thousands of dollars of property, but in addition to that loss the employer must pay the widow the price of a criminally careless man's life.

The man who furnishes his fellow-men with opportunity for livelihood is to have no rights that any man who can rob him is bound to respect. And this pernicious doctrine is sanctioned by the highest authority in the land. There can be no exact justice until all men, without regard to estate, condition, or race, stand alike on terms of absolute equity before the courts. A court of justice can favor no one except as it favors everyone by exact justice. It can have no friends and it can have no enemies, and the public sentiment that calls for the attention of the courts must call for nothing but justice.

Probably no people in the country to-day are more subject to injustice and more likely to be oppressed in jury courts than the capitalists, and especially those who are at the head of our great utilities. They are the men who have need of our solicitude. They are the men who are being denied justice.

The claims of the people are being overworked



## THE RAID ON PROSPERITY

and are distorted out of all proportion to the just conditions of things in our body politic. It has become the fashion to champion them and to hand out a groveling, coddling sympathy to the oppressed people until there is danger that we lose all self-respect and manhood. We have overlooked the great and just demand of men who are putting their lives, their fortunes, and their reputations into the gigantic endeavors that are the opportunities of the people.

In view of the injustice of our mulctings and our thousand forms of obstructive laws, it is remarkable that productive investments that offer, first of all, generous wage to mechanics and laborers are made at all.

Were the spirit of oppression as general as would appear from the explosive attacks of the agitators, business would find a discouraging field in this free country. But, fortunately, the overwhelming thousands of workingmen are on terms of confidence with their employers and extend them a just and honorable coöperation. They are contented and happy, and to-day the surest source of exact justice is found by the manufacturers and commercial interests of the land in the thousands of coöperators who are not swayed from their steadfast loyalty by ignorant, malevolent, and unjust agitators.

The solid common sense of this country is our secure hope. That western jury that has just rendered its verdict in the most notable criminal case of

## EXACT JUSTICE

many years was far enough removed from the reach of a foolish sympathetic threat on the one hand and unfriendly accusations on the other to give us an example of justice uninfluenced by fear or favor.

When we can place a cause in this country in the hands of the average man who has no prejudices excited by popular clamor, the instinct of justice may be trusted. God has planted it deep in our natures. And this is shown in the revulsion of feeling that often overtakes the application of injustice to men and causes. The animus is discovered and the resentment becomes as strong as were the former prejudices.

Upon that instinct of justice and the common fairness of the American people may be predicted an entire change of sentiment within a short time with regard to the forms of business and the use of capital cooperatively which now are used so adroitly by men who have no investments in the prosperity of the country, nor any concern as to the consequences of attacks upon capital if only such attacks can be made to serve their personal ambitions.

That wisest man since Solomon estimated the American character correctly when he said: "You cannot deceive all the people all the time."

While the voice of the agitator is in the land and is so loud that it seems to be all the voice there is, the thousands of Americans on the farms and in the trades quietly at work with their hands are work-

## THE RAID ON PROSPERITY

ing out these problems of the hour and will come to their solution. And the conclusions if long delayed because of the magnitude of the questions will be sound and safe.

We shall find that our difficulty is with the fact that we have something on hand that has anticipated us and that is out of proportion to our accustomed thought, but as a people we have always shown in our thoughtful and final considerations appreciation of justice and fairness. This has caused us sometimes to give place to causes that had not vindicated their right to a place in our confidence, but they appealed for fair play.

That is the strongest appeal that can be made to American people. It sometimes deceives them for the time by being made a political shibboleth, but it does not blind nor distort their sense of justice very long, however insincerely it may be used by men who know its potent influence with the average mind.

All that any man needs or should have in this country is exact justice. With that he will accomplish success if it can be done. Justice is a legacy that makes any man richer than money can make him. There is more happiness in it than there is in mercy. No real man with a manhood worthy of the name will ask to share another man's property or fame, nor covet anything he has. Give him the liberty that justice opens to a man and his chief happiness will be in his own achievement.

Nothing is more degrading as an economic doc-

## EXACT JUSTICE

trine than the assertion of a claim upon the fruits of other men's enterprise and toil, whether it be the labor of their minds or of their hands. What a loathsome sight is that man who whimpers over the successes of other men and fills the air with his feeble-minded plaint that others have much and he has little and they should give of their much to him! Were there a grain of a sense of justice in him, were there any moral sense, he would arouse himself and say: "I ask nothing of any man but the justice of my opportunity, which is my inalienable right and with that I will make my way in the world."

It is no wonder that murder is a cardinal doctrine with the anarchistic socialist, whose code of justice recognizes the right of no one to be more prosperous than himself. Justice condemns the selfish and lazy. Justice brands with a scarlet ineffaceable mark of shame the face of modern socialism. It accuses it of weakness and degradation and points it with a finger of scorn to an open door which it has set before every man.

In those places high and low where effete theories of economics have filled the air with their fetid vapors we must let the inalienable rights which we boast in our Declaration of Independence shine through and reveal the just principles upon which all men must strive for their own successes.

For the executive administration of justice we need statesmanship and not frenzied demagoguery to arouse a personal following; men who can see more

## THE RAID ON PROSPERITY

than one side of a proposition, men who discern that progress has its laws and do not try to make it with hammer and nails and a glue pot, men who have faith in men and who do not assume that all men are actuated by unworthy motives in proportion to their accumulated wealth. We want a few plain, simple laws that help men in all kinds of business to remember honesty, that will compel properties to show their true values, bonds to have beneath them full value secured against fluctuation in business, property to be worth as much as the stocks that represent it, the exact value of every stock on the market as compared with the condition and earnings of the property to protect poor men in their modest investments, protection of the people against unjust and oppressive cornering of foods for purposes of extravagant profit—a few plain laws to protect capital against the despotism of labor organizations and the workingmen against the careless or purposed oppression of the employer in those exceptional cases that always will exist.

We need as little law as possible and as great good will as possible in all human endeavor. We need to incorporate into practical life the Golden Rule. With these simple principles of exact justice, give us men to make our laws who are not frightened by the dreams of indigestion, but who, clear-brained and calm, see a mighty future of which they are not afraid.

We can safely defraud no man, neither the la-

## EXACT JUSTICE

borer out of his wage nor the capitalist out of his investment. We cannot injure one without equal or greater injury to the other. We have nothing that we can give to either except justice. There is nothing that we should take from either but injustice. Whatever is unjust both must give up. With their just rights both will prosper and their united prosperity will make ours the greatest country in the world. Upon these principles it will endure forever.

Nothing is plainer than that the application of exact justice does not consist in a hunt for cases for purposes of prosecution. If absolute perfection is enforced, all men would go to prison and all business would be estopped. We are having the extreme of folly in corporation prosecutions by the administration. The Attorney General gives out that all cases will be prosecuted in which there is hope of conviction. Men are to be sent to prison if possible. Think of such procedure in the face of a universal business practice permitted by the government and common to all commerce until within a few years, and forbidden now chiefly by a law which the President has said would ruin all businesses if enforced.

Would it not seem like a just wisdom, the common sense of justice, to wait the new adjustment of railroads and corporations to the present peculiar, and in some of their features impracticable and confusing, laws and prosecute as few cases and disturb

## THE RAID ON PROSPERITY

the business of the country as little as possible? The laws which we have and with which we are convicting corporations are so monstrous, so suggestive of the dark ages of the administration of courts, so confiscatory of property, so opposed to our Constitution and all common equity that their enforcement is the very acme of injustice.

One finds himself dazed by the proceedings of the hour and asks himself: "Is this 1907 and is this America?" He recalls other epochs and other scenes similar, embalmed in history, in ages from which we congratulate ourselves that we have emerged, and he wonders how such history can repeat itself among a free people in such times as these.

The scales of justice carried by the outstretched arm of demagogic spite and political competition are being rattled defiantly, with loud threats, in the face of the railway and other corporations to excite certain of the people and gratify their misguided prejudices. Until the millions of our sober and rational people in an intelligent and loyal uprising bring those scales back and place them in the temple of justice and guard that temple's mighty doors against the entrance of everything but truth and reason, there can be no safety in this country to any man, high or low, or to any business, great or small.

Our peril is extreme when a court audience and the public press applaud visible and unmistakable prejudices and revengeful anger in any judicial verdict. With just pride hitherto in the exact fairness

## EXACT JUSTICE

and calm judicial dignity of our judges and the historic justice of our country, we should guard against any degeneracy to gallery play by a judge with instant and vigorous resentment and rebuke. We should brand such a judge with infamy as the safest protection of the courts. Any judge who harangues the public from his bench with accusations of defendants by the use of false and libelous charges brought into the case from outside of his court or in a case which he knows is to be still further adjudicated by upper courts and therefore is not settled, smirches the ermine of justice. There is one thing that must be absolutely above suspicion of personal feeling or party strife or purchase, and that is justice.

Let any judge who uses his bench to gratify a spiteful feeling against lawyers of a cause [a cowardly act] or to slander and libel the cause he is adjudicating, in terms not contained in either the indictment or the verdict, know that he will be discredited, distrusted, and condemned as far as his name is known and history is read, when judicial calm shall have come and passion and self-interest have gone out of the case and left it to its merits only.

That thing which will call us back to a judicial temperament is a serious contemplation of the coming times with their infallible and impartial judgment of our acts.

There is nothing that can injure us, that can obstruct our progress as a country, but injustice to any



## THE RAID ON PROSPERITY

class of our citizens. We have every physical element of success, every condition of civilization at its very summit. Justice is as free as light. We should allow no vapors distilled from selfish passion and personal resentment, nor the fogs of ignorant prejudice, to pass across the face of it.

## CHAPTER XIV

### SWOLLEN FORTUNES

**W**E are a people given to indulging in spasms! They are intense while they last. They are so unreasonable and unreasoning that they present a fine opportunity for the adroit demagogue. For some time we have been in the grip of a mighty spasm over "corporate wealth" and "swollen fortunes." These are coined and current phrases. All of our national ills are being stated in this formula. It has become the political shibboleth. All political parties and all socialistic classes use it and the people applaud. Down with the rich! Puncture the swollen fortunes! Make the rich poor and all the poor will be rich! Destroy the corporations, hamper them, obstruct them! Sue them in the courts! Blackmail them in the press! Tie the strings of the Lilliputians to them in Congress and bind them and the individual can have a chance!

Make the returns of great business sufficiently small and uncertain by petty legislative restrictions and we shall not be troubled by the genius of a Rockefeller, a Morgan, a Carnegie.

## THE RAID ON PROSPERITY

The little fellows will be big enough for the little things to be done. The age, the land, the discoveries are not suited to the gigantic things which embarrass little men. Such great enterprises take away the rights of the people, especially of the individual. Such great men discourage common men. They are a menace.

It is a crime for several men to have developed the power of giving employment to 75,000 or 150,000 men, provided the promoters are to get anything themselves at all commensurate with the things they have invested or have done for their fellow-men. Their millions are swollen fortunes!

Strange how fortunes are the only thing that has swollen. At any rate they seem to be the only swelling that we are anxious to doctor. How about salaries and wages? Have they not swollen? From the President's salary which has swollen to four times its former size in a generation, with \$25,000 added for housekeeping, to all other salaries of the country, including the salary of congressmen, all salaries everywhere have swollen. But there is nothing bad about it. It does not worry our mighty regulators who have the swollen salaries. It is only fortunes that have dangerously swollen!

Wages have swollen. They have swollen from a dollar and a half to four and six dollars a day. Every little while they are taken with a dangerous swelling, a kind of goiter that refuses to decrease. And the only thing that shrinks is the hours

## SWOLLEN FORTUNES

of labor, which is another way of swelling the wages.

But nobody seems alarmed at swollen salaries or swollen wages. It is swollen fortunes that worry us—especially those got by corporation dividends!

Oh, it will be a great world to live in when we get great wages for everybody and nobody has anything to pay them with! It will be the acme of statesmanship of which neither our fathers nor any economist ever dreamed when we shall have so discredited business, especially the greatest forms of business, by regulating them, that men of commercial genius will be filled with fear and distrust and refuse to put the utmost of their powers into the development of our resources and the making of our innumerable forms of industry and labor.

To be sure the world never has witnessed such marvelous prosperity of every kind, such increase of happy homes, such savings in banks, such farmsteads, such wage for mechanic and laborer, such thrift of every kind, such facility of transportation, such invention of labor-saving machines, such schools, such wealth of periodical and daily literature, such expansion of territory, all under the law of common sense and common interest and competition; but then we must slow up now as we cross the line into the new century and run upon a switch and stand there on a siding regulated until those who want to run on the main line with their pony engines can go by the men whose powers have made the right of way.

## THE RAID ON PROSPERITY

It is discovered that progress is not progressing safely. It must be supervised and controlled by the President and Congress. Men who want to sell their goods as cheaply as the corporations do have proved voiceful and rend the air with their plaint, and they have the votes! "The great corporations, the great fortunes generally that are used in business shall be so used as to be in the interest of and not against the interests of (these) ordinary people!"

The men who sell a hundred thousand barrels of flour can sell me my barrel for \$4.00, but the man who sells a thousand barrels must have his chance to sell me my barrel for \$4.50. You see it makes small difference with a hundred thousand people who save fifty cents apiece and one man gets fifty cents each from one hundred thousand men. It promotes individual trade and changes the ownership of the swollen fortune. It is a great scheme. Perhaps it will stop fortunes from swelling altogether!

You see it is wrong for several men to put together their ability and their fortunes and secure to the people the development of industries and bring to their doors everywhere the necessities and comforts of life at a compensation with which men acting alone cannot compete and they should be stopped! They should ask as great a price as the individual with his little facilities or the small company would have to ask.

You know a railroad can carry a trainload of fifty cars of western steers at half the rate of one

## SWOLLEN FORTUNES

carload in a train. And the same is true of trainloads of flour or oil tanks, but it is dangerous because it is done with swollen fortunes. The *bonum publicum* is threatened by such service if the originators of vast schemes, like refrigerator cars for instance, get by a small per cent a great aggregate out of the immense capital invested.

It should be stopped. It is too big for an age of steam and lightning and a miracle of machinery. These things are getting too big. They are swollen. Reduce them. Of course, if the trouble is a swelling, you must reduce it. You don't want to regulate a swollen fortune. You must determine what a normal twentieth-century fortune is and put on the political leeches and get the big one down to the standard size. There is not much danger that the little ones will get too big after the process of reduction is started.

But what if it is true that the most swollen fortunes are only in harmonious proportion to the resources of the country and to all of the gigantic movements of human endeavor. We have seen how the salaries of men in business and men in Congress and the salary of the President of the United States have vastly swollen, and we certainly cannot have overlooked the enormous increase of the volume of manufacture and trade in a brief generation. Are the swollen fortunes outrunning the mighty strides of commerce and becoming disproportionate? If they are, it would not follow that there is ground

## THE RAID ON PROSPERITY

for fear in the mere bulk unless we can show that they are taken out of the people of humbler circumstances and are misused to pervert government and obstruct the liberties of the people. If we find that they not only have been made by a gigantic commerce but have also made the present proportions of business and furnished the land with its industries and made the luxuries of the rich the common blessings of the poor, if we find that they are constantly returning whence they came and passing through the hands of the common people, who must always depend upon the capitalists for their profitable and happy industry, then it may occur to us that we are fighting a law and a proportion which we have failed to study and appreciate.

A mountain height or peak overawes us standing out of the plain. The highest point of the Rockies is modified by the mighty range of which it is a part.

We measure up from the poor to the man of swollen fortunes and become alarmed by the comparison. What are we coming to by such a tremendous disparity? It were better reasoning and less disquieting to compare the laborer of to-day with the laborers of a century ago and the swollen fortunes with the whole flood tide of commerce and prosperity. Shall we turn back these tides? We must if we stop the swollen fortunes at a sum agreed upon. Agreed by whose authority—the socialists of the country?

In 1870 the total wealth of our country was

## SWOLLEN FORTUNES

\$30,068,518,507; in 1906 it was \$110,000,000,000. In 1870 the per capita distribution of wealth was calculated at \$772.51; in 1906 it is set down as \$1,292.13. The railroads of the country have grown from a mileage of 52,922 miles in 1870 to 212,624 miles in 1906, with 88,707 miles of second tracks and sidings. The capitalization of the railroads in 1870 (stocks and bonds) was \$2,664,627,645; in 1905 it was \$14,167,218,546. What these national figures tell of growth can be made equally clear by a glance at any one of the great businesses. None can be more significant than iron and steel. In 1870 the Nation's output of pig iron was 1,665,179 tons, and of steel 68,750 tons. In 1905 our furnaces gave forth 22,992,380 tons of pig iron and in 1906 were manufactured 23,365,000 tons of steel. In capitalization the United States Steel Company stands for \$950,000,000, while ten other plants out of the vast number of iron mills and steel concerns show a capitalization of \$357,000,000. The coal mined in 1870 was 33,000,000 tons; in 1905 it had risen to 393,000,000 tons. The consumption of such a staple as sugar has grown from 607,834 tons in 1870 to 2,632,216 tons in 1905. The wheat crop of 1870 was 235,884,700 bushels; in 1905 it was 692,979,489 bushels. The entire electric lighting and electro-motive industries and the entire telephone business have been added during this period to the Nation's wealth. The entire automobile industry has been evolved. Multiply by hundreds the figures given of



## THE RAID ON PROSPERITY

a few industries and you will still fail of grasping that tremendous power which is exerted in the direction of growth in the United States, where the so-called industrial "trusts" number over 500 and cover every branch of trade, transport, and manufacture. What a percentage of general expansion is implied in the fact that between 1900 and 1907 the increase in the value of farm land property has been \$8,000,000,000, or nearly forty per cent.

Is it not astonishing that men with these figures before them, for they are accessible to everyone who will turn to the United States Census, will raise an alarm about swollen fortunes?

The alarm must go back to business itself. Perhaps this is what is meant by the savage attacks that are being made upon corporate business. Are we taking too much wheat off our fields, too much iron from our mountains, too much oil out of our valleys, and setting too many thousands of wheels of machinery in motion? Surely we cannot do these things and use the business genius and forces of such an age and not increase the fortunes of men.

The "swollen fortune" is not swollen but only in healthy proportion to a tremendous time, when by the sciences and the arts the earth is yielding remunerations in proportion to the ability of men, the combined power of men to develop and use them.

One hundred million dollars is no more a swollen fortune to-day than one hundred thousand dollars was at the beginning of the last century. Swol-

## SWOLLEN FORTUNES

len salaries and swollen wage are the proportionate pay that vast enterprises are giving to skilled labor and service.

Strange that the mighty progress which has come on so splendidly for these many decades has all at once become a menace to the body politic.

But what are we going to do with swollen fortunes? Are we going to steal them because it is wicked for men to have them? Are we going to sequester them by a class taxation, by a tax upon men's ability and enterprise? Why not send a file of soldiers and take them for the public good? There are examples in the world's history to justify it. To be sure, we claim a higher form of civilization, but it is never difficult to drop back, and at the rate we have been going in that direction lately it soon will not be far for us to go.

In the meantime having conferred further with the socialists as to how much of a fortune is permissible to a man, what a healthy unswollen fortune is, let us take all above that sum for the State. The little point of difference which might arise as to where the swelling begins or where we should begin the prevention of the same can be compromised and settled if we do not embarrass the question by conferring with the swollen fortune owner.

There might be some further difficulty, because what would be a swollen fortune in a place like Syracuse would not be a swollen fortune in New York, and what would be a swollen fortune with one man

## THE RAID ON PROSPERITY

would not be with another, and a swollen fortune would be invested and made a greater swelling with some men, and would be quickly dissipated and scattered, if the government would be only a little patient, with other men.

But then all of that could be easily adjusted by another commission to investigate and to study carefully these things or perhaps the receivers proposed by the Attorney General could have their functions enlarged to cover such intricacies!

There would come up another embarrassment, perhaps. Indeed, there are almost as many of them and they prove about as expensive to the country as it would be to let men do business up to the full measure of their capacity. The embarrassment to which I refer is the disposition of the per cent of these fortunes which it is wicked for individuals to retain in their possession and which the government must take to the end of righteousness.

We have an embarrassing surplus of revenue now and the prospect is that it is to increase with our population and the development of our country, yet in its infancy. What will our revenues be when, as Emerson said of England, our country is cultivated with a lead pencil? What shall we do with the swollen part of the fortunes we have taken away from our enterprising and successful citizens? They are sure to increase. They are becoming quite common. The income to the government will become considerable. What shall we do with it? Shall we hoard

## SWOLLEN FORTUNES

it and keep it religiously from doing harm and oppressing the people by circulating it in wages and purchases and trade and manufacture with its octopus tentacles? Who will keep it and guard it? Shall we distribute it per capita to the poor? Possibly we could, for that seems to be the doctrine now in vogue. But why not assign a pro rata of this benevolence to all men who are rich above a certain amount and enforce the obligation by a commission? That is easy—it is only a little step farther in paternalism.

Possibly, however, the government would take these swollen fortunes which it has stolen and invest them in public works or in a thousand forms of business which would bless the people, business from which would be eliminated all of the wickedness of trusts and corporations, with the management placed in the hands of truly good men.

The success of such governmental business has been so signal in all lands and times that it is strange that the thought did not occur to some mighty economist long ago to do the world's business, on from the danger point of wealth, by a Commercial Commission of the government. That such a simple solution of guarding the interests of the people from predatory wealth and securing a perfectly fair and equable adjustment of business rights and privileges should have been overlooked and left to the discovery of men who never had even a business training, greatly detracts from the reputation of an Alexander Hamilton and a James Madison and the men of the

## THE RAID ON PROSPERITY

past, trained in the schools of both governmental and commercial economy. So are the wisest sometimes humiliated and their fame blighted by the discoverers who, passing over the ground after them, pick up from the very surface the wisdom which they failed to find in weary searchings.

It is not strange that it is so with regard to fortunes, for it always has been easier to dispose of fortunes than to make them, and men everywhere have had a fondness for managing other men's business.

But a very curious thing is that the men who would reduce the swelling of swollen fortunes never have had anything to do with swelling them! The men who would regulate them probably could not manage them so as to keep them if they had them.

They have what they have by legacy or the fruits of an age the prosperity of which has been made by men who, it is discovered all at once, need regulating! How would such men regulate their own fortunes if they had them?

Does anyone imagine that the men who are chattering about "predatory wealth" and "corporation peril" or "swollen fortunes" would refuse from purely altruistic motives to take over the stock of corporations, in Rockefeller swollen proportions even, and manage them privately?

If we are to have the regulation in such destructive forms, the logical and consistent thing is for the managers to own them. Mr. Bryan is right. Let us own the property we propose to regulate or

## SWOLLEN FORTUNES

supervise, then we can take the consequences of our blundering. That would be honorable. But to destroy commerce and trade for which we have an academic responsibility only—as we began to do a year and a half ago—is unfair, however easy and safe it may be. The consequences are so distributed and diffused among 85,000,000 people that the regulators experience no personal loss. If we owned the business it would have a different logic. We would argue it on more conservative and cautious premises. We would be careful how we regulate and control.

The people do their own spelling! They seem to have a different interest in the control of it. It does not regulate. Let them be common stockholders and what of business requires regulating would be done with cautious wisdom with reference to the profits and the losses and not recklessly and foolishly.

Probably no men in this country are more disqualified for the control and supervision of the corporations or swollen fortunes than the majority of legislators and congressmen. Any attempts from that source can only result in disaster. Any proposition from that source to supervise and control the wealth of the land is a gigantic piece of impertinence that to coming generations will be incredible of an age of intelligence like this.

It cannot be replied that such men reflect the ability of the business world or, indeed, that they reflect the average intelligence of the people who choose them. That were not sufficient. The work

## THE RAID ON PROSPERITY

is not average, but extraordinary. And the Congress is not the choice of the people, but of the members themselves in probably a majority of cases. And if we are to attempt adjustments of the commercial rights of men it should be by trained men, mighty in ability and schooled in experience.

The whole assault upon corporate business to-day is at the bidding of politics, which is throwing its tub to divert the socialistic whale. Nothing could be more crude, impulsive, and frivolous than most of the utterances that are being sent out about wealth and the magnitude and processes of business. The frantic effort at lawmaking and the plunging about for violators of law to punish and the riotous accusations against everything and every man that represents the magnitude of our times show the confusion of the public mind under the leadership of men who fail to grasp the age or who are using its fevered excitement for selfish purposes.

We have laws enough without special legislation to protect the rights of every man and guard all commerce and all business against dishonesty. And honesty is the only thing we have any right to insist upon. We have no right to oppress or protect or control or supervise any form of business by legislation or executive proclamation in the interest of any class of men, rich or poor, corporate or individual.

Swollen fortunes are a thousandfold less dangerous to our land and people than swollen demagoguery!

## SWOLLEN FORTUNES

The swelling of fortunes is healthy and an infinite blessing to the "ordinary people." It is the push of a vital force. It is the earth yielding her increase under the cultivation of men who have learned the secrets of her power. It is natural. It alarms only those who have not learned to think in the proportions of our tremendous age. When men come to positions of mighty legislative and executive power with unequal thought power and without appreciation of the forces and proportions of their age, great mischief is done. They set the dial hands back against the sun. The trouble with these times is that they have outgrown the men who are making our laws and administering them. That has been apparent to any mind which has critically studied the trend of the past two decades. The disproportion between the forces of the age—the awe-inspiring energies in possible appliances, the magnitudes of things to be done, and the men who have been sent to legislative halls to adopt governing and controlling machinery to do them—is startling and depressing. They have discharged their mighty responsibility by an attempt to decrease the capability of men who are using swollen fortunes to extend the world's commerce. They have applied themselves to reduce the swelling of a mighty normal and healthy growth as though it were the swelling of disease or some sudden inflammation. They cannot account for the expansion of an age, into which they have come by being born out of season, upon any



## THE RAID ON PROSPERITY

other principle than a perilous disorder, a diseased swelling! No one can tell, therefore, what new absurdities will be projected into the statutes by Congress or the Legislature.

Men have kept silent who ought to have spoken long ago. There is a minority in Congress that should control—minority in numbers, but a mighty majority in ability and character. Their mission is not to secure the perpetuity of a party. The plainest and most sacred principles fundamental to the commonest rights of the "ordinary people," who are the great people, are being thrown aside as worthless and useless, with startling contempt for usage and law. Courts of justice are dragooned into a practical subserviency to executive authority, to the peril of justice between men and men; arbitrary authority is being asserted promiscuously, regardless of the guilt or innocence of the individual, men being condemned without conviction and told to clear themselves after they are condemned, if they want mercy. Commerce, traffic, transportation, manufactures are placed under espionage, haled before the courts and threatened with regulation by socialistic law until men no longer know what property is or what are the rights of business as once interpreted by those principles which were supposed to have been established by the wisdom of the centuries. And the answer to it all is a socialism as rank and destructive as anything that Fourier taught or the communism which sprang out of his teachings.

## SWOLLEN FORTUNES

“Corporation,” “swollen fortune,” “millionaire” have become synonymous with commercial tyranny and heartless selfishness, cartooned as beasts preying upon the ordinary people. This process of education has been going on until men hide every fallacy behind these words. If a man damns a corporation, he is a friend of the ordinary people; if he sneers at millionaires and warns of the danger threatening from swollen fortunes, he will be elected to Congress. The political leaders of both great parties have played into the hands of a dangerous socialism, condemned by all sober-thinking people a decade ago. Swollen fortunes are a menace only when they are withheld from the people and are used on the limited wants of miserly owners. Millionaires have made our age possible by lavish investment in all manner of development. The millionaire could have blocked every great endeavor that has blessed the race. His wealth has been made and risked and often lost in the service of the ordinary people.

## CHAPTER XV

### CHARITABLE TRUSTS

**A**GGREGATIONS of money for purposes of education and charity are as indispensable as the accumulations of natural force in vast kilowatts of electricity or tens of thousands of horse power of steam for purposes of manufacture or transit. But the general alarm and agitation suggests a fear of such trusts.

There always have been minds that can see nothing but the evils and peril in unusual things. The proportions must be kept down to the present efficiency of management. Nothing must be done that is beyond what we know to be man's present capacity. And we demonstrate this by proving how he was unable to do similar things when he was much smaller and with infinitely less experience than he now has. By showing what men in a crude age, with few appliances and less practical knowledge, could not do, we prove plainly that men of a later time in conditions of favoring education and experience must fail also.

If you show that the church of the Middle Ages

## CHARITABLE TRUSTS .

misused charitable funds and filled the land with worthless mendicants, you demonstrate that the Sage Fund, the Rockefeller Fund, and the Carnegie Fund for investigation of conditions of living among the poor, research and scientific study and the promotion of educational facilities respectively must be attended with like danger and result in a general corruption of the public morals.

There is nothing like comparisons. You can use them to prove anything. You have only to leave out an element or two or change the relation of a fact or two and you can get any result you start for in an argument.

There is no force in a precedent or an historic fact unless the conditions are the same. And there were no conditions in any of the periods usually cited that remotely resemble the present state of things in the forms of charity, the safeguards that are thrown around the use of trust funds to keep them to their true intent, or the intelligent and discriminating use of moneys for the improvement of mankind. It is strange reasoning that goes back to such crude conditions for a warning to an age like this.

We have been going back to the fall of Rome for ominous warnings in civil government for centuries. The French Revolution is a standing prophecy of our bloody downfall — things that do not duplicate, unfortunately for the prophets but fortunately for the people. The state of things of the past ages from which we are warned of the danger

## THE RAID ON PROSPERITY

of charitable trusts will not be repeated until we put the times back there and make men as ignorant and make their religion as solely ecclesiastical, and our charity as indiscriminate a hand-to-mouth affair, and the ministers of mercy and philanthropy like the herd feeding at the common crib.

The sun shadow does not go back on the dial. What we have learned by the world's blunders we shall not unlearn or throw away. It is simply a question of whether this age is enough bigger than those ages which have gone to carry responsibilities with which they failed.

The fact that we see their errors, that we criticise them, and that we have made laws to prevent their repetition is sufficient demonstration. In arguing our danger we show our ability to avoid the danger. Using Paul's method, who on one occasion said: "I protest by your rejoicing," we say: "I protest by your fears!"

The trouble with men in reasoning concerning unusual things is that they have no perspective. They can only compare the great things of their age with the lesser great things of a smaller age.

The attempts, therefore, to legislate for the future or to make warning predictions of things not seen are often more foolish than wise. Our own attempt at reconstruction after the Civil War is a dismal instance. There probably is not an intelligent citizen of our country who does not see now where great blunders were made and who does not wonder

## CHARITABLE TRUSTS

that men of forty years ago did not see the future more clearly. The only man who did see it was killed by the assassin and escaped the assassination for that time of his reputation as a statesman.

No age has legislated successfully for itself or for the future in all things. Every age is repairing constantly the mistakes of the preceding ages which have been made by men who assumed the wisdom of the future. The Magna Charta and the American Constitution did not come out of the prophecies and revelations. They are gigantic corrections of legislative blunders and executive abuses. And there are many subsequent amendments revealed as time goes by.

As seers we have made small progress. We gather the disproportioned stones quarried for plans only partially understood by our forefathers and with them build imperfectly our own times.

It will be proved in the next generation that we have understood our problem no better than our fathers understood theirs. We are making a worse showing, all things considered, in our adjustment of the proportion of things than has any age preceding us. We are showing our puerility in our fright and alarmed confusion over trusts which we are trying to regulate for all time.

We have undertaken to secure the future against those things which are too great for us in our own age. We can safely dismiss our fears, for what we fail to do, wise men, following in generations ever in-

## THE RAID ON PROSPERITY

creasing in the stature of their minds, will do. If we cannot see how Marshall Field's fifty-year-entailed fortune is to accumulate without swallowing up the capital of the continent, we need not worry. Other men are coming—men who will see to those things with the greater ease because of their wisdom and ours. Five billions will not seem so great a sum in fifty years as it does now, and the values with which it is to be compared will increase in a half century enormously. A nation that is increasing in wealth ten millions a day need not worry lest some one or some two or three possess five billions. We shall change the proportions in the next century faster and more vastly than we have in the past five centuries.

And men of great minds magnificently furnished from the schools and trained in the use of the forces out of which the universe was built will be in charge. They will be the common people. If there is anything to frighten us, it is that we are to be dwarfed in comparison with the men who are to be created by trusts in education, in charity, and in commerce. Our danger is that the march of God's great movements sweep over us and bury us in oblivion.

We are cave dwellers discussing modern skyscrapers. We are coolies with jinrikishas afraid of the Twentieth Century Limited.

With all of our conceit of things, we shall be off the stage less than a generation when other men will be undoing our wisdom with a greater wisdom, and

## CHARITABLE TRUSTS

doing the things multiplied a hundredfold which we feel so sure are to bring the world to an end.

Our safest way is to plan immense things, as great as we can, and leave the perfection of them to men who will piece out the years which fail us.

The great charitable and educational trust funds are not large. They are relatively small. One hundred millions of last year's gifts was a drop in the bucket. It was swallowed by thirsty causes as the dry earth drinks a summer shower. A billion dollars in fourteen years when distributed through our vast country, its hundreds of universities, colleges, professional and technical schools, its hospitals, asylums, and other charities, is far from an "enormous total." It is a fund so small that not a dollar of it has reached hundreds of most worthy causes. And, besides, it is not what it appears to be to some nervous minds in its vast aggregation, for it is in hundreds of different sums. It goes in no great sum to any one cause.

It will have to reach many more billions than are at all likely before the currents flowing out into thousands of beneficences become stagnant and subject to misuse and perversion.

We are startled by the "enormous total" simply because we have not seen the world giving its tenths to God's great charities. If the Hebrew tithe were applied there would "not be room to contain it." We are too far away from that to begin to put on the brakes and reverse the engine.



## THE RAID ON PROSPERITY

We have but to look about ourselves and see the enormous desert waiting to be irrigated educationally, the thousands of towns without hospital or dispensary, the millions living in vice or disease-breeding conditions calling for sanitation, the intemperance and licentiousness, fetid miasmatic swamps waiting millions of money to construct moral drainage canals.

How strange it sounds in such an age when there are such tremendous exigencies in the varied estate of mankind demanding money—money to furnish men, money to change the face of nature, money to apply healthful, natural, and moral laws, money to inspire self-respect and courage, money to supply our nation, appallingly increasing in immigrated ignorance, with educated citizens. How passing strange in such a land and age for an intelligent man to become alarmed at permanent gifts of five billions in fourteen years to all of these causes.

The danger is greater that men may be misled by the sophistries against charity trusts and that the healthful movement toward such endowments be turned backward.

As an illustration of the demand, take any considerable university. It has twenty departments in the college proper and a couple of hundred courses including the different electives forced upon us by the clamor for practical education, besides more or less graduate or upper degree work. There is often the coördinate group of professional and technical colleges and schools. It requires more money to-day to

## CHARITABLE TRUSTS

found worthily one department of the academic college than it was thought could be profitably used in an entire college less than a century ago, and the institution is but moderately endowed with \$10,000,000. That provides but a modest salary for men of great ability and leaves nothing for pensions to men who have been denied the privilege and hope of securing their homes against the rainy day.

Institutions such as Harvard was fifty years ago would not be tolerated to-day. The smallest college must aspire to the best books, the best apparatus, the best laboratories, and the best teachers. The demand has been created by the discovery of new worlds of research and activity—boundless possibilities in the realm of life and force.

Take surgery and medicine as another illustration. Their schools surpass the dreams of past generations. They are young yet.

Charity is no longer simply feeding the hungry and clothing the naked. It searches for causes and removes them. It furnishes self-reliance and self-support. It builds model houses and teaches cooking and garment-making in the homes, and shows the workingman the things that can be done with the money that makes the saloonkeeper's family comfortable, leaving his own family miserable and degraded. It rescues the children from ignorance and crime and regenerates habits while feeding the hungry. And can anyone see through this problem and tell the time when it will not be an expensive study? "The

## THE RAID ON PROSPERITY

poor ye have with you always.”<sup>\*</sup> And the sick will be here to the end of time. There is no danger that time will last long enough to “extinguish these specific objects.” Men always will have to be taught in schools. Their number has increased a hundred-fold within a comparatively short time. The increase in the higher forms will be a thousandfold before the charitable trusts have become a shadow of a menace. Sickness and poverty will not become “extinguished objects.” Human nature has a long run of those appetites and passions which create crime, and crime will not be an extinguished object until it has extinguished the trust funds that are applied for its correction.

The general application will save us from the two specific results by which such funds shall exhaust their usefulness and lie idle, tempting the cupidity of men. And the fact that these funds are to be vested in separate institutions of a healthful emulation and rivalry will prove a safeguard.

If it were possible for all great funds to be merged into one and partiality to be used in applying it, the danger of oppression and unjust discrimination would be serious.

There is something of this possibility in the Carnegie Pension Fund for college workers. If conditions are made impossible to some of the colleges, there will be imposed upon them a burden, because discontent will be created in the faculties and men will be attracted to colleges favored by the administra-

## CHARITABLE TRUSTS

tion of this fund.\* But the remedy will be not in overthrowing the fund but in creating more funds of the kind, so that no college shall be discriminated against.

The best answer to the danger of which we are warned is in the working of certain church and charitable trusts of sufficient age to give certain testimony. The Trinity endowments and the Reformed Collegiate also extend into many millions. The result is seen in the strongest possible propaganda in New York City.

The whole denomination is quickened. Churches have seized the finest locations. Hospitals have anticipated the trend of population and education has received reenforcement that the tardy gifts of the constituency were dangerously delaying. The market has not suffered a straw by investments withheld or made.

A similar illustration may be found in the church extension trusts of the great churches. No harm has come to any interest, but great aggressiveness has vindicated the wisdom of these mighty loan funds. There is a vast difference between the things that might be and the things that are likely to be, between possibilities and probabilities. The things that are not probable need not worry us.

The argument drawn from the *imperium in imperio* it seems to me does not hold. If great charitable trusts were for the purpose of creating a class with enormous holdings, or if educational foundations

## THE RAID ON PROSPERITY

were in common and had for their possibility the establishing of an educated class with an immense total of millions, perhaps billions, as a political lever, there might be some force in the reference to a "secular nobility of feudal lords," etc.

But, as we have shown, we are not threatened by one fund in even any one cause, and there are many funds making up the aggregate in persons stimulated by a healthy emulation.

The greatest conservator is in the fact that these funds are used not to increase the power and influence of their trustees but to improve the conditions of the State by removing those distinctive elements of poverty, ignorance, and vice which always are a menace. So that instead of being of dangerous tendency, they are working continually to secure more safely the foundations of the State. And the more such money is expended the better it is for every citizen.

We are a self-governing nation and therefore the education of every voter is of vast importance, for every voter is a ruler. Educational trust funds or endowments, therefore, are moneys held by trustees for the direct purposes of the State. The same is true of the other charities, and in nothing more than in the intelligent study of "living conditions" contemplated by the Sage Fund as set forth by the far-sighted scheme of Mr. Robert W. De Forest.

The charitable trust is the very opposite of a menace. If it were to build up a sect—any sect—it would be different, for it is a serious question whether any

## CHARITABLE TRUSTS

sect could withstand unlimited endowment—or of a billion or any great sum in excess of its practical religious wants. A sect could change to the Ethiopian's skin or take on the leopard's spots. But it is not so in the use of immense sums to change conditions which threaten the very life of the nation.

The illustrations given frequently have reference more to certain forms. Sometimes these obstruct the end proposed, but they do not touch the integrity of such trusts in charity as these under discussion.

It is a healthful sign that the donors of these immense sums place little emphasis upon the mere "how" of doing things. Certain conditions obtain which long have been discussed by sociologists and economists. They are well-recognized perils if not corrected. They are more than the misery of to-day's victims of poverty and vice. They are of the nerve and sinew of the nation. Men of gigantic wealth, appreciating their obligation according to the measure of their wealth, with a true and noble patriotism give their millions to serve their country at such points as seem to them most important and practicable. They do not expect anything in return. They learned long ago that their present reward would be personal abuse and distrust of their motives. This makes their patriotism the greater.

The trustees of their funds in trust for the causes named in them are citizens of varying estates, with scarcely the possibility of an unworthy combination for selfish purposes in the use of these great funds.

## THE RAID ON PROSPERITY

The brevity of human life makes frequent succession a necessity.

Were it possible for men to misuse trusts so constantly active and so under the eye of jealous beneficiaries, such betrayal of trust is self-corrective by certain exposure.

If ever trust funds outlived their purpose and their specific objects no longer called for their dividends, it is entirely competent for the State to give them a direction by which they would go on serving the State and thus fulfilling the prime purpose of their donors. But that time is so remote in the millennium that it is not a matter of practical consideration.

The last element of danger seems to be the least. It is true that large funds could be used "as a determining influence in financial operations." But this could hardly be true when there are many of these great funds with a common interest in a stable financial condition. They would operate, if at all, to hold a safe equilibrium in the commercial world. They would not be in the hand of the speculator. And it is not true that the great secular interests "wield their power in a way to resist any extension even the most reasonable of public control over corporate or other privileged activity." The great corporations have insisted for years upon a general law and federal supervision created by statesmen and not by demagogues or political novices.

## CHARITABLE TRUSTS

The fear that has been expressed that the trustees of these great funds might possibly be "fine old gentlemen selected for their probity, but overtrustful and not disposed to take too active an interest in the concerns which they are supposed to watch," suggests an abnormal sensitiveness to danger which goes far to discredit the contention.

One of the most assuring features of these great trust funds for purposes of education and charity is the selection of the men for trustees to whom they have been committed. Men like Dr. Pritchett, of the Carnegie Fund, the great president of the Massachusetts Institute of Technology, and Dr. Buttrick, of the Rockefeller Fund, give ample assurance that their trusts will not fall victims to Wall Street or to any other evil money genius.

It is an unspeakable joy to educators and philanthropists that the millions are being made an offering to humanity.

Since men have differed from the foundations of the earth and always will differ in the faculty of acquisitiveness, and since there will be a perpetual difference in opportunity, health, and other circumstances, the great trust funds that promote conditions and that do not foster mendicancy are the wisest promise for equalizing the most essential circumstances of human life.

The demand for such sources of helpful provisions is so enormous and increasingly so in these times that they cannot be trusted to the mutations of



## THE RAID ON PROSPERITY

business prosperity and the incidents of impulsive giving.

One need only to lift up his eyes to fields whiter and wider than those which Christ showed His disciples to appreciate the extent to which fortunes may be devoted to a thousand kinds of philanthropy, and how little is the danger that such treasuries will become the envy or the prey of mercenary minds. They will be ever empty if always filled. The outlet will be many fold larger than the inlet.

We are touching only the edge of the world. There are several mighty peoples that have not yet passed out of their crudest conditions; a thousand years will see some of them in the pupa state.

Our peculiar relation to the world, placed in its very center, endowed with the equivalent of its combined wealth, awakened to the magnitude of universe forces, summoning to our invention and practical science the genius of all ages, puts upon us the responsibility and the privilege of leading the thought and ethical ideals of all men who are lower than ourselves upward to man's final summit. Our money will some day come to have its chief value, as it has to some minds now, in the leverage it will put under the conditions of mankind.

As it is accumulated in great trust funds, intelligence and sympathy will increase also and its administration will become increasingly wise.

The mistakes of the past will be avoided not by leaving the world to the hopeless gropings of a blind

## CHARITABLE TRUSTS

evolution, to return ever helpless upon itself like one lost in a forest, but by a clear discernment of the demands of sane conditions out of which may be created self-confidence, self-reliance, self-support, with self-respect.

And the activities of an intensified civilization will prevent the most generous, the very largest benefactions of increasing wealth from stagnating in miasmatic pools. They will be sent forth daily in broad rivers and streams to refresh and make fruitful the whole earth.

## CHAPTER XVI

### TAINTED MONEY

**A** NEW pharisaism has come among us. Pharisaism is a persistent moral disease. It so takes on the shape of righteous protest against sin; it is such a garment of light that it usually gets a well-intrenched position before its true character is discovered. It condemns what is and boasts superior things. Its most successful modern pretensions are along the paths of the poor, where it firmly lays claim to superior sympathy with the weak, who are oppressed by the strong and the rich.

Its shibboleth, which for the time seems effective and gives it a cordial welcome, is "Tainted Money." It is an original invention. It is a home-made and a ready-made commodity. It is made up out of an assumption pure and simple. Like all pharisaism it is an assault upon the character of other men's works and it is indiscriminate and sweeping. It has undertaken to say what has not been in the power of courts to say. It is a discernor of spirits. Where it cannot separate the good and the bad in individual

## TAINTED MONEY

acts it does the easier thing of putting the whole under the broad label of its taint accusation.

Because men are in business which certain little novelists and retaliating competitors condemn as dishonest, because their particular form of business is of unusual proportions and supplants, as the railroad did the stage coach, smaller proportions which make a violent protest, the new pharisaism comes in to bring the offenders to judgment by condemning the proceeds of the business as unclean and tainted and therefore not to be used by good people for good causes.

But the new pharisee is considerate. He does not carry his logic to the condemning of all business that is not certified and thereby shutting us out of the use of everything because it may have in it some dishonest weight or measure, but only such as has grown big enough to become the subject of the frenzied magazine story, great enough to be easily seen because incorporated and large in dividends.

It would involve too much detail to examine every dollar and it is sufficient for the purpose of the new pharisaism to condemn the big dollar. But such trifling inconsistency never has embarrassed the pharisee in the remotest or most recent time.

This latest kind is sure of a following, for if there is anything that appeals to men it is money. It is a subject of constant discussion whether we have it or do not have it.

The dollar has given the world a great deal of

## THE RAID ON PROSPERITY

trouble, mostly for the need of it but sometimes for the care of it and often in the use of it. It has been hard for the average man to get and to keep and to use for a value received.

It has its effect upon human character, making some thieves and murderers and others miserly and merciless. Some it has made vain and foolish and some it has debauched by excess of riches.

The Bible says that the love of it is the root of all evil. Many, however, have put it into such a relation to the nobler faculties and have used it with such a lofty purpose that it has given them immense power for good. The dollar has helped them to be greater and better men. And I imagine that we all of us have so much confidence in ourselves that we think we could safely use it. I never have heard of any man who, railing at riches, declined them, so great is the confidence of men that they can righteously use them.

But now comes this new doctrine with regard to the dollar. It must furnish its pedigree. It must give references before one can use it morally in any great benevolences. These doctrinaires permit it to be used for paying taxes and buying and selling and purchasing goods and the wages of cooks and coachmen. They permit it to be sent home in the pocket of the laboring man to the sweet and innocent wife and children and they will allow a gambler or saloon-keeper to buy his dinner with the dollar fresh from the hand of the latest victim of his nefarious craft

## TAINTED MONEY

and the merchant to take it in trade without a question. And I have not heard that the contribution boxes in the churches are labeled: "From the good only." No watch is kept lest a dishonestly obtained bill is put on the plate or that it be taken out when the money is used for the church account.

But the dollar must account for itself if it comes from certain men whose motives and business transactions have been weighed by the censors of human transactions, the judges guarded against in the New Testament, should it propose to go into the treasury of a university or a missionary society. Unless it can prove that it was honestly made, it must not pay college coal bills or give instruction to the heathen or pay a minister's salary or do any good whatever. It is better not to pay for such things until the dollar brings along its certificate of good character.

There are some embarrassing things about the tainted dollar which our friends, the pharisees, have not revealed. For instance, by what process does the taint wear off this dollar and how long is it corrupted and can it ever get pure?

If a millionaire who is not certificated by the censors should pay \$10,000 to my neighbor, can this neighbor take the money and give \$1,000 of it to me for the church? Was the taint worn off by going through an honest man's hands or the hands of several honest men? If so, would it not be taken off by going directly to an honest purpose? I concede just for the purpose of the question what I do

## THE RAID ON PROSPERITY

not believe, that it was dishonest money when it started out. Can an institution or cause of benevolence take corporation dividends direct? The stock is owned by Christian men and women who stand as well in their community as the pharisees in theirs. If not, can the proceeds of such dividends be used for these good purposes after they have been transmuted through the banks and the hands of innocent business men or through the firms of men who cheated on a scale too small to be detected?

Somewhere between the octopus and the altar the dollar must be regenerated or it is a lost dollar. Ought it to be buried or burned or thrown into the sea?

But if any man can redeem it, what man and what happens to him—is he the vicarious sacrifice to a dollar? And how many men does it take and what are the processes that will satisfy the man who flees such horrible contamination?

But some of us are skeptical about the taint. And it never has been explained how it can be. The dollar has no personality. It can take on no quality but the material. It can have microbes on it and some of the bills we have to handle appear to have come from unwashed hands and some of them bear contagious disease germs and they ought to be boiled and soaked in lye. But where is the moral taint? It is in the use of it, perhaps. But the Master told us that it was not the material things that contaminated men, not even what one ate and drank. And cer-

## TAINTED MONEY

tainly you could not point to a building on a university campus or to a church and say "That was built with tainted money" without reversing the teachings of Jesus Christ. Who knows what dollars are in any building? Who knows what hypocrites may be behind any accredited offering to the Lord? Who ever heard a word from our Master inaking such discrimination? Paul even permitted meat offered to idols to be eaten in the fear of God.

But a man might offer you money as a price of your silence against sin! Would you take money from a thief? If a man cannot see the difference between taking money from a burglar and from a business man whose business may be condemned by some who are prejudiced against it, his ethical sense is too obtuse for practical use. If a saloonkeeper were to offer me money, one thousand or one hundred thousand, to purchase my silence and to restrain my voice against his accursed business, I ought to say, "Your money perish with you!" But that is not because the use of that money for a lawful purpose would be tainted. What is the legal right of the man to give the money? What is the purpose of the donor and my purpose in its use? Does the State recognize the right of a business man to have the proceeds of his business and to give it away? Who is going to judge him? Hate, prejudice, clamor? Who is to decide his right to what he has—the demagogue and the pharisee? Do you say that I must find out? Then I must stop when a man hands me his check and



## THE RAID ON PROSPERITY

say, my friend, we greatly need the money to educate young men and young women, but before I can take it you must tell me where you got it and how the man made it that you got it of and what the man before him did to secure it, because we learned from the ancient pharisees to be very careful about these things, and the government has not put the corporation mark on the dollars, you know!

For the doctrine must be of general application. It will not do to restrict it to some one person against whom prejudices have been excited and whose business it has become popular to condemn. We must use no money that was made dishonestly or by questionable methods by anybody. And it will not do to say that we are not accountable if we do not know because it is our duty diligently to search for this taint and leave no careless possibility of such dollars reaching the Lord's treasury.

Is this the teaching of the greatest teacher and example the world ever has seen? We do not find a solitary example of it in Christ's teachings. There was the broad injunction to render to Cæsar the things of Cæsar and to God the things of God, but the man and not his neighbor was to determine that. Our Master went so far as to tell us that we in our personal and unofficial capacity were not to try to pull the tares out of the wheat. The conditions of the world were such that the censorious, ethical, hair-splitting processes would destroy both wheat and tares.

## TAINTED MONEY

Certainly no one need fail to discriminate between a burglar's stolen money and what has lately come to be known as tainted money. Every boy knows that one cannot take stolen goods without being a partaker with the thief. But the proceeds of recognized business are quite a different thing. It is not permitted to any class of men from *ex parte* accusations and untried indictments to impose their private judgment upon men who differ from them as to the legitimacy of that form of trade. And even when the government sits in judgment by a final court it says what belongs to the State or to a complainant, and also what are the only practicable forms of restitution and whether the business shall go on or not. Beyond this, to his own Master the man stands or falls.

A clamor is raised against great forms of business, greater than the men who assail them, and the assault in most such cases is carried to the Court of Heaven under a charge of moral taint; no final verdict has been rendered; thousands of honest and thoughtful men not accepting the charge. The furor seems to many like the mint and anise of the pharisee, and all who differ from these self-constituted judges of motives and methods which they have weighed in the balances of their excited prejudices are branded as without keen ethical sense or as purchased by personal interest.

You remember that Jesus Christ met one day a rich man, and his preaching was so effective that the

## THE RAID ON PROSPERITY

man said that he would give half his goods to the poor and he would restore fourfold of what he had taken unjustly. Did the Lord say: "Hold, your money is tainted. You cannot give it away, nobody can take it. It was not stolen, but it was not made honestly and no one should touch it. You must keep it unless you can put it all back whence you got it, all that you got honestly and dishonestly, for that matter, for you stand for dishonest business methods and you cannot give anything to charity. Your money is tainted money. And you must keep it or destroy it so that it will not taint any other person."

Strange that the Master did not tell us that a man who took Zaccheus's money for charity would be a "fence" or *particeps* with a thief. Dr. Gladden tells us that Mr. Rockefeller's \$32,000,000 for education is restitution. Well, if that is so we can take it on the authority of Christ, who sanctioned Zaccheus's purpose.

There are minds of sufficient ethical discernment to see the difference between the use of the pieces of silver that Judas took to the pharisees and that of the money that Zaccheus proposed to give to the poor. And it is not proved by any means that a modern millionaire is even a Zaccheus because he happens to make his money in a corporation and is the victim of "ranting against capitalists."

The poor multimillionaire who has not carried his business to the court of the pharisees and received their certificate of good character is in an embarrass-

## TAINTED MONEY

ing situation. There does not seem to be anything that he can do but to keep his money until he dies and have it buried with him. Ah me, the pharisees! How they do persist from age to age in judging all men! I rather take my chances with Zaccheus than with the pharisees!

I believe that no more specious form of pharisaism has appeared since the days when the pharisees were rebuked by Christ on the earth than this present attempt to convey moral taint to material things or to the use of material things without regard to the purpose and character of their uses.

There is connected with it a depraving process to him who does such judging, and a great injustice often to the accused. Nothing did Christ more severely condemn than the practice of judging the motives and acts of our neighbors. Nothing so quickly dries up the fountains of magnanimity and that charity which the apostle tells us is the greatest of all virtues. Nothing turns a man so quickly into a snarling cynic. Nothing indicates such narrowness and shallowness of both thought and feeling.

And by what divine prescience do such judges of their fellow-men single out men and declare their guilt, even before the courts have rendered their final decision? And by what power of discrimination do such men penetrate the quality of acts and tell us what is against human law is also against divine law, and by what omniscient eye do they catalogue the deeds of men and declare to us what dollars are tainted and

## THE RAID ON PROSPERITY

what are infallible when made by the same men? The recklessness and wholesale sweeping condemnation of certain men by name without any discrimination as to acts, whether some are right and some wrong, shows the reckless and unchristian malevolence to which such men have become victims by men who are setting up their spiteful prejudice as a judgment seat in the House of God.

Christ had the moral ancestors of such men before Him one day on a very much worse case than dishonest dollars, and He said to the accusers, "The one among you who is without sin begin to throw stones at her." And they threw no stones, but hurried away in confusion.

Men are, without doubt, making money dishonestly, though not always those accused. If they are, the law should restrain them and will. But there is something as bad as dishonest money-getters—and that is a pharisaical censoriousness. It is a blight of religion, a mildew that dwarfs every noble instinct, a poison that kills every sweet charity.

How shall we account for the wide-spreading hatred of wealth and the insidious attacks that are being made upon the dollar whenever it is seen in the hands of successful men in any considerable amount, called "swollen fortunes"—this leveling-down process, a doctrine that is rampant from the White House to the socialists' camp?

The peril of it is in the fact that it is all in the name and professed to be for the poor and the op-

## TAINTED MONEY

pressed. As though the destruction of riches would help the poor and relieve the condition of the destitute.

The dollars are wicked when accumulated in millions. They are clean if the amount is small enough! A politician much in evidence says that when they are over fifty per cent of any form of business, they are bad dollars and you must not touch them! And they become very wicked when chartered as a corporation or when they do so much business at a cheap rate that men with less capital and facilities cannot compete with them because you will not pay the price for the goods. A strange fever has come over the land to destroy, to disorganize, and scatter wealth in these forms, and the people are blindly following their blind leaders.

We have suffered something from railway trains off their schedule and from watered stocks and from high prices of meats and from competition of great organized trade which has driven some men out of business. This discontent with new adjustments and change into new times is the demagogue's opportunity.

And the country is in this startling condition today, without a foremost candidate for the presidency of either party who is not discrediting business and assailing especially these corporate forms which have made the commercial age and placed education and philanthropy upon a wider and nobler basis.

The peril is appalling, because under such leader-

## THE RAID ON PROSPERITY

ship the sturdy people of our land are joined practically as never before to that socialistic and anarchistic element which is relentlessly at war with all forms of government and bitterly hostile to the accumulation of wealth. We are to-day in the camp of socialism and we do not know it. But the socialists know it and boast it. And we shall find that we went into the camp of socialism very much more easily than we shall go out of it.

A class hatred has been created never before known in this country. Our industrial pursuits and wealth-producing enterprises to which are belted the shaftings and pulleys of civilization are being assailed.

President Woodrow Wilson is reported to have said that we have become sordid in our passion of wealth-getting. He probably said nothing of the kind, for he is too intelligent to make such an utterance, but it is a current phrase, nevertheless. The getting of wealth has not required the sordid passion. It is an age in which men have discovered the ways of reaching the resources of the earth and of using the forces of nature, and the wealth of the age has poured out of discoveries that are the contributions of science and the useful arts. Its possession has surprised thousands of poor boys into wealth and is changing the poor into the rich in every place and year in our land.

Never have there been such times into which men could turn trifles into fortunes. Up in Maine a few

## TAINTED MONEY

years ago a man conceived the idea of cutting an eyelet into the corner of a piece of cardboard and tying a string into it and it made him a millionaire. A professor in Boston University caught the idea of making articulate sound by a curious diaphragm and a current of electricity and it made him famous and rich and gave the world the telephone. By a thousand such notions, inventions, and discoveries and by the development of our fruitful soil, the wealth of our land has mounted into the billions until every day of the year witnesses the addition of ten millions of dollars to our financial strength and power.

And the great bulk of all of this enormous wealth has come out of those things that have added to the intellectual strength of the people and the infinite treasury of their knowledge, elevating the character, the self-respect, the taste, and the culture of the people.

And the character of the wealth-getting of to-day is seen in the uses that are made of it. The miser is a curiosity. The man who hoards money or withholds it from useful ends is despised and ridiculed by his fellow-men, and the more he has by such processes the meaner he is made to appear. This is the clearest evidence of the way in which the people estimate riches.

It is a fact so universal that the exception is odiously conspicuous that rich men to-day are the first at the front in all great benevolences and philanthropies. They get their chief happiness out of their



## THE RAID ON PROSPERITY

wealth by using it to better the conditions of mankind in the church, in education, in the fine arts, and in institutions of mercy. The world never has seen anything like it. It is a rare thing to see a man making money for money's sake. It would be an unworthy thing for a man to refuse to make money for useful purposes.

I know that Christ has been quoted as an enemy of wealth. It is, however, like many other mistaken conceptions of His teachings. He drew the line at the useful purpose and employment of riches. He left one rich man in perdition for having no pity and refusing to help the perishing poor. He was exceedingly sorrowful over another who thought more of his possessions than of the truth which was worth a million such fortunes, whose soul was being starved and dwarfed by the love of riches. But He said of another: "I have not seen so great faith, no not in Israel"—not in the church.

And there never has been a time nor a cause of Christianity when the simple Christian office and work has not demanded the wealth which the poor could not give. Nor has there been a time when it has not numbered among its followers men of riches, from the ruler who built the synagogue to the rich man of Arimathea who begged the body of our Lord that he might lay it in his own new tomb hewn out of the rock. And how God honored that rich man's tomb by making it the only immortal tomb the world ever has seen!

## TAINTED MONEY

I remember the account of the rich man and the needle's eye and, if I did not, I should be reminded of it by the unthinking clamor of a class that seems to think that if you are only poor enough you will get to Heaven, and if you are only rich enough you will go to hell.

It is hard for any man to purchase a way to truth or virtue or Heaven. It is impossible. And it is true that if a man puts his whole soul into the things he possesses and gives no attention to those of his neighbor, he can no more go through the strait gate than a camel can go through the needle's eye. And it does not make any difference whether the needle's eye was the eye of a needle or a very narrow place so called. It was a place he could not get through.

But God has made the rich of this world, with whom He made His grave, to serve Him. He has shown them a way to be rich and to be humble, to be rich and to be poor in spirit, to be rich and to be stewards of His kingdom, to have this world's goods and to be rich toward God.

Anybody can be rich toward God by being devoted with what he is and with what he has to a life of usefulness, after the pattern and by the pure, unselfish spirit of Christ.

The man who had laid up treasures upon the earth and was not rich toward God was the man who attempted to make his wealth serve his happiness and power. He was one of the rich men who,

## THE RAID ON PROSPERITY

Mr. Carnegie says, never laughs. But the rich men who know God, who serve their race, who bless mankind, who sympathize with the poor, laugh. There are kinds of checks which they sign that make them happy.

We ought to encourage such men. We have done too much bemoaning the rich in our churches. We have too often misinterpreted Christ concerning them and have made our attacks indiscriminately and driven away from our good causes rich men, God's stewards, who would have carried them forward nobly. In our just sympathy for the common people and our emphasis upon character we have given the impression that Dives represented the rich.

God wants the rich men. Christ would have used Dives if he would have followed Him; and the rich young ruler he would have loved and shown how to get genuine happiness out of his riches. There is not a teaching of the New Testament that intimates that Christ would make all men poor in purse. He did not come to impoverish the world. His doctrines have made it rich and provide adequate uses for its riches. The hope of the poor is in the success of the prosperous. Poverty is not helped by poverty.

We seem to have failed to appreciate the difference between the rich men of Christ's time, and even of the feudal times, and those of this day. The world was hoarding its riches in those forms that

## TAINTED MONEY

Christ rebuked. The men of the feudal period secured their riches in strong castles and invested them in iron chests and spent them upon themselves. The poor were no better for such rich men, the world was possibly the worse. Although it is difficult to see what commercial shape it could have taken; because there was nothing to invite investments, the great industries had not been discovered, invention had not offered its marvelous opportunities, commerce was a solitary mercer. There was nothing to do with money but to lock it up and stand guard over it. To compare present conditions with feudal times when the rich grew richer and the poor poorer is a display of profound ignorance. There is no comparison that does not reflect great honor upon the men accumulating the wealth of the present time, who are investing that wealth in ways that give employment to millions of people and that are fast making the poor man independent and self-reliant.

Those who inveigh against money as tainted forget to what extent the proceeds of great business enterprises are flowing out into trades, into wages, and into philanthropies, education, art, and a thousand civilizing benefactions. He is blind to twentieth-century civilization, he is deaf to the march of these mighty times who does not see and hear the relation of vast money-getting to Christian progress.

The men whom such men curse are taking the wealth out of the earth where it has lain inactive for untold centuries and by mighty commercial engineer-

## THE RAID ON PROSPERITY

ing and trade methods are sending it everywhere to bless and civilize mankind.

That it is attended with the selfishness of some designing men no one denies. So is the Christian church. But we have more invested in the sun's light than we have in the sun's spots.

The railing and frantic foaming of excited men in careless adjectives against the rich is a serious impeachment of their intelligence.

He is insufferably small, a curious anachronism in his times, who cannot see the new proportions. He thinks with other men's voices. He is an echo of echoes. He has struck against these gigantic times only to rebound into empty air, merely a sound thrown off from a force that had no use for him, and that he was too small to discern and appreciate.

## CHAPTER XVII

### LABOR UNIONS

**I**T is a strange and inconsistent fact and one which seems to have been overlooked by labor unionism that the very principles which it condemns it makes the foundations upon which it constructs its organization.

It curses monopoly, but it is a monopolist. It accuses "employers of using combined capital," which is another name for the corporation, of "debasing labor and denying it its lawful and just share of what it produces," and then proceeds with violent and degrading assaults, sometimes even with death, to debase and make impossible all labor that does not obey its unlawful and tyrannical mandates, establishing a labor trust!

It is as much a monopoly as anything we find in the most offending trust. It attempts to be a labor trust, and that which it claims for itself it clamorously denies to capital. It insists upon having the exclusive monopolistic rights of the country!

Finding its greatest obstacle in corporations which have strength to resist it and power<sup>o</sup> often to

## THE RAID ON PROSPERITY

overthrow it, the labor unions naturally make their most furious assaults against them, and having active and voiceful numbers in the cities, they are able to command the politicians and demand laws to further their designs. They will not make any concession to the mighty labor employers upon any terms that do not recognize a practical partnership in the business, a dictatorial one, a managing and controlling one.

This attitude has done much to bring into this country the present unfriendly attitude toward corporate business. A persistent effort is always active to create the impression that the corporation is grinding the poor. Until these labor organizations got well under way and began to take on menacing proportions we had not heard those familiar expressions about "predatory wealth" and the charge that the rich were merciless scoundrels.

This conflict is extremely unfortunate. It has widened the gap and strengthened an unreasonable antagonism. It has put capital and labor at variance and created two classes that need not to have appeared in our land. Neither can exist without the other. The corporation can find nothing to take the place of man. No machinery can do away with him, no money can purchase a substitute for him. The more money and the more machinery, the more men are demanded.

As a rule the employee of a corporation is more secure in his position and his pay than he could be

## LABOR UNIONS

if he were hired to an individual. He has more property behind him. He is hired by a hundred or a thousand individuals. And his employers have a vital interest in the business, and the character and skill of the workman are of incalculable interest to them. It is more important than the quality of material, or motive power, or machines, and must be conserved with the greatest care. A corporation that does not care for its men is not intelligent in management and will not long prosper.

A great railway company gives careful attention to its locomotives, their care, their oiled serviceableness, their driving by intelligent and skilled engineers. They are a prime asset. How infinitely greater is the value of men to a corporation and how infinitely important that that which is committed to brains and conscience and courage shall be served by the best ability. Therefore the essential wisdom of a wage that shall secure the most skilled and temperate and trustworthy men, that shall healthfully house them and comfortably clothe them and put beyond worry the home, the wife, the children, the aged parents, and furnish something, at least a modest something, for refining influences to the cottage or apartment.

Intelligent and profitable corporate management will consider these things and secure in the person of employees citizens and not tramps, gentlemen and not brutes, men self-respecting and therefore respected by all patrons.

The employee is under bonds of common man-



## THE RAID ON PROSPERITY

hood and honesty to reciprocate that policy and to make that business his own. He will not use it to get what he can out of it and to regard its interests only as they serve him. He will remember that as men give him employment and make it possible for him to earn a living wage, he must in honor give such men a service and make it possible for those men to receive from the business the income that alone will justify their investment and its continuance.

The laborers should remember that the investor because of his spirit of enterprise, his public spirit it may be, has put into the business large moneys which he might have retained for himself. He had a right to it if he got it honestly. Without following the subtle and sophistical unwindings and wanderings of the socialistic philosophers, we will say that for all practical purposes and by consent of common sense, it is his money by inheritance or by his own genius of acquisitiveness. Having invested it, he has a right to a fair return for it if he invested wisely. It is in the business. But before he can touch a dollar of it he must earn the laborer's dollar. The laborer should remember that this wicked man of the corporation before he can take any profit must pay for material if he is a manufacturer, or for rolling stock, repairs, fuel, etc., if he is a railroad man, and earn dividends for stockholders and the wages for the men. The laborer has a lien upon the whole concern. And he can carry away the whole property, if necessary, to get his pay.

## LABOR UNIONS

The man of the corporation may say that he put his money into the business, but he cannot take it out and carry it away until he pays the men who labored for him. He must make his own dollar and the dollar for the laborer and pay the laborer's dollar first. The laborer, therefore, is under the highest obligation to render a service that will secure success to the business if honest and skilled labor will do it.

And before he embarrasses that business by strikes or inefficient service he should inform himself as to the business, its conditions, and prospects. He certainly is under obligation to it to that extent. If it has treated him on the principles stated above, he is obligated beyond a day or a job laborer.

In case of just discontent for any cause, he is practically a partner in the business, a fixed amount of the profit of which comes to him weekly in wage and he should request and has a right to an arbitration—to hear causes and present complaints. And if he has rendered satisfactory and faithful service, he has a moral right to just consideration. He cannot be told to go his way if he is not contented. It may be that he has a right to be discontented and that the company is morally bound to inquire into that discontent and as far as possible right it. It is not like disposing of a machine. It is a man with high moral claims who has invested his all of training and ability for that work and is unfitted by his years of faithfulness to it to go elsewhere; who has his home and church and friendship and family ties, interests that

## THE RAID ON PROSPERITY

were not bought with money, for money cannot buy them. Every honest corporate or business management of any kind will always consider these things. And when the adjustment of hours and wage is made, the management will remember the difference between men and horses or men and machines.

But the laborer will have to emphasize his obligation at this critical point. He has a right to cease work and to cease in a body if denied arbitration or the righting of wrongs. No one can legally or morally compel him to work, but his rights cease there. He has no right, except by a plain statement of his reasons for quitting, to dissuade any man from taking his place. And he has no right to conspire against his employer or to injure his property. That is criminal.

Thousands of business men in this country who have themselves had no serious trouble with labor have been alienated from labor unions because of the exceeding un wisdom and sometimes criminal practices of strikes—the substitution of brute force for rational arbitration for the settlement of misunderstandings. There often has been a defiance of law in the destruction of property and infliction of bodily harm which intelligent and calm-thinking men cannot tolerate.

Labor unions that ought to have promoted the efficiency of labor callings and secured to hand toilers great advantages, and not the least in matters outside the shop, have too often introduced friction between the employer and employee and set the one

## LABOR UNIONS

against the other. The walking delegate too often has been an ignorant meddler with business management or has tried to justify his office by a swaggering appeal to hitherto contented workmen that they break the fetters of their slavery and demand their proportionate share of the world's wealth! The result is that organizations of labor which ought to be of the greatest service are often the greatest hindrance and curse.

Perhaps I may be permitted to illustrate from recent experiences. At Syracuse University we are erecting several great buildings. A few days ago my attention was called to a team unloading some material for one of our buildings from one of the leading mills of the city. I was told that after that job the firm would be in trouble because no union man would put up its work owing to a controversy about the employment of nonunion labor by the firm. The firm proposed to conduct its own business and employ the men whom it wished and who were satisfactory. The union men proposed to dictate who should be employed and on what terms. They would prevent as far as they could that mill from doing any further business unless it was conducted to please them.

The firm wished to pursue its business according to its own judgment and with the freedom and the right of American citizens. The contractors desired their work from that mill because of its superior quality and reasonable price—we also wanted the

## THE RAID ON PROSPERITY

work from that mill—but certain union men working by the day say, “We will label the place ‘Unfair,’ ” and notify contractors that “we will strike if they use the firm’s material.” No one will deny that union men or any men have a right to stop working for that firm if they are not satisfied. But where did they get the right to forbid other men working there or to interfere with the business of the firm, even ruining it if possible? Is it an American right? Do such men represent Americanism? Are their acts in harmony with either our Declaration of Independence or our constitutional form of government? It is a petty despotism and tyranny that disgraces our country and is misleading thousands of men as to their obligations as American citizens. It is a tyranny that interferes with the inalienable rights of Americans as sacred as any for which our country has contended in war.

Only dense ignorance of the principles of American citizenship or indifferent disloyalty to them can explain acts so atrocious. It is so lacking in fairness and so indiscriminating in many instances that it seems like a mixture of ignorance and indifference to consequences. There was an instance in the erection of our investment building in Syracuse. Pains were taken when the contract was let, to urge preference for Syracuse mechanics and workmen. There was some misunderstanding or disagreement between the contractor and some union men with regard to men from out of town, for which the University was not in

## LABOR UNIONS

any way responsible and which it could not control. But our building was labeled "unfair"! How that punished the contractor who had finished his work and got his pay we could not understand. Why we were penalized who had nothing to do with the trouble and could not influence it if we had been requested to do so, we never have ascertained. Scores of men were approached and threatened with loss of business if they became tenants of the building. After months we were told that the "unfair" taboo would be taken off if we would pay one hundred dollars, reduced to fifty dollars, and finally to twenty-five dollars. Not a cent was paid. And whether the building is known now as "unfair" or not I do not know.

Were these men loyal American citizens who assumed the responsibility of embarrassing a property in this fashion? Were they acting within the law and their privilege? Anyone who would assert that they were, is ignorant of the simplest principles of our government and of our individual rights.

The placards were anonymous and so placed that it was not possible to trace them to a responsible head. An indication, if not a confession, of conscious lawlessness in this case.

Every intelligent man knows that it is a crime to conspire against a man's business or to do violence to his person. Have we men among us who propose to act the part of criminals under the pretense of bettering their condition as workingmen?

Let us trace this matter a little further illustra-

## THE RAID ON PROSPERITY

tively. I am building a house, for instance. I wish to select the plumbing material for my house. I think that I have a right to do so. But I am surprised to be told by the Association of Journeymen Plumbers of America that I cannot have that privilege. They will decide that question. In Section 162 of their by-laws they say: "Realizing that at the present time the work of our trade is being gradually taken from us by reason of certain manufactured articles, it is necessary that we should take some united steps to stop the use of such plumbing goods as we think injurious to our trade." Then the section goes on to specify as forbidden things the material which I wish to put into my house and which the law provides that I may use! The very spirit that wrecked Arkwright's loom and opposed nearly all inventions.

Have these men a right to assume this dictatorial rôle? Must I submit to this petty tyranny? The spirit of '76 must have fled from us—a frightened ghost!

I want men to work six days in the week upon my house because of the season or urgent circumstances. There are men who want the work but this Association of the Unions says (Section 159): "Inasmuch as the plumbing business throughout the country is insufficient to furnish employment to more than fifty or seventy-five per cent of the journeymen, and recognizing the fact that by reducing the hours of labor it will have a tendency to keep more men

## LABOR UNIONS

employed, it is hereby resolved that the United Association establish a National Half-Holiday for Saturday " !

A new authority for establishing national holidays! That men may abstain from work all the week if they choose no one will dispute. But these men propose to limit all men in this particular. They propose to create an entirely artificial condition of things among themselves into which the law of demand and supply shall not enter and the embarrassment to business must take care of itself. And the union men of the whole country are only two per cent of the whole body of laboring men!

That the trade may be still further protected, these men, in Section 157, say that " Local unions throughout the jurisdiction should use their best endeavors to abolish plumbers' helpers and apprentices so far as possible " ! Stop the making of mechanics! Here is a trust that proposes to force wages by limiting wage-earners. Business is menaced by both shortened hours and decreased workmen!

The subject is interesting as you proceed. The pay of a carpenter or machinist is not graduated by the skill in the case. You pay the same for a poor man as for a good man. A man is a man in the union. We are speaking of day wages. The injustice of this to the employer is transparent. The injustice to the mechanics ought to be equally so, for nothing could be more harmful to the trades. It encourages the unskilled, careless, and slovenly. It is



## THE RAID ON PROSPERITY

filling up the trades with men who can scarcely saw off a board and drive a nail straight.

In the instruction of union men some things are to be done if practicable, otherwise they are to be omitted! They are not to ride a bicycle between hours except to and from dinner. If they have to return to the shop with a measurement or for material, for instance! I have known two thirds of the time of a job spent in the street. "Members working on a job a greater distance from their residence than their shop and not having to report at the shop, shall not reach the job any sooner than they would if they left the shop at 7.55 A.M." Any member having to work overtime, for which by the way he gets fifty per cent more pay, is to quit at five and come back at 6 or later! Men are not to go to the office for pay. The pay must be brought to the job. Probably because the employer's time is worth so much less than the laborer's! Some of these things are not to be applied where the conditions are specially unfavorable to them—where the people will not stand it!

These are some of the reasons for my saying in a recent address that we have no more objectionable trust, no worse form of despotism in this country to-day than some forms of labor unionism. This is why I say, speaking of this form of labor, that such men are getting all they earn and some of them much more than they earn, considering the unselected ability of the men. Considering the reduction of

## LABOR UNIONS

hours twenty per cent and the increase of wages from fifty to seventy-five per cent, my statement is moderate, and when it comes to paying a \$1.50 mechanic \$3.50, it is too plain in that case to require even emphasis.

In their present forms such labor unions are destructive to business and the workingmen's best interests. They should be resisted by all sober-thinking men. They alone are responsible for the increase of the open shop and the opposition of thousands of strong men who have come through the labor callings to their present positions. The opposition will increase unless they are modified and brought into harmony with the principles of civic liberty. In my opinion fifty per cent of the union men are not in agreement with present union practices and are coerced by fear into retaining their membership.

There might be a union of great help to its membership and to business. I believe in labor organizations as I believe in corporations. But let it be a union upon principles of mutual benefit and helpfulness both to the laborer and to the manufacturer, both to the workingman and to the contractor. Let it be for the purpose of securing to the employer the greatest proficiency, insisting upon only skilled mechanics for mechanics' pay. Let it consider the interests of the business and how to serve them. Let it compel its wage, not by excluding those who choose to work for less or to work when the union men will not work, but by furnishing the highest type of

## THE RAID ON PROSPERITY

man and workman so that business men will say: "If you want the most skilled and reliable mechanic or laborer you must get them from the union. They will have no one in the union but a first-class man."

Don't say to Mike who is laying four hundred bricks a day, a fair day's work: "Hold up there and let Tom have a chance, for he can't lay over three hundred." Rather say to Tom: "You must be content to be classified with ordinary workmen until you can do as much work as Mike. And you can have pay for only what you do in a workmanlike manner."

Let the union have clubrooms and discuss thrift and temperance and home sanitation and ways and means of getting the home and furnishing it with books and periodicals for mental improvement and spend some of the time in amusements and healthy games now spent in the saloons. Let the energy now being put into opposition to capital be used in self-improvement and furnishing a higher class of mechanic.

It is folly to say that men who oppose the un-American type of union with its tyrannical rules and its walking delegate without knowledge of human nature or the commonest instincts of diplomacy, a bad feature of a bad system—it is folly to say that such a man is out of sympathy with the poor or the working class.

Let the labor union, instead of discouraging strong, intelligent young apprentices, insist upon laws against child labor and combine with business to re-

## LABOR UNIONS

move vicious causes of poverty and to relieve the worthy poor of every name and clime.

Give us unionism that recognizes the common rights of men and seeks to promote labor, and that is something more than intolerant selfishness. But so long as unionism obstructs business which it can neither create nor control and denies to nonunion workmen the right which it claims for itself to work or not to work, and so long as it attempts to fix arbitrary and destructive conditions upon the trade callings and is a menace to the peaceable pursuits of men, all good citizens should oppose it.

All men with any love of freedom should patronize boycotted firms so long as the boycott is on and give the preference of employment to men who are denied employment by the arbitrary and un-American acts of labor union tyranny.

A gentleman writes me that the tyrannical and oppressive treatment that he has received in his city from a labor union ought to make the veterans turn in their graves. I could not refrain from remarking that this man, who requested that his name be not given, for it would ruin his business, would do well to cultivate a little of the spirit of the veterans and turn before he gets to his grave.

Such a form of union is criminal and men who submit to it are a disgrace to free American citizenship. They cannot afford to purchase business at such a price. There are greater assets than business success, and freedom is one of them. We praise men

## THE RAID ON PROSPERITY

who die for it and then allow ourselves to be tagged with the degrading badge of a cowardly servility by the insolent authority of a labor union!

With mutual improvement, with justice in the labor callings, with a fair proportionate per cent of the profits of business for skillful and honest service, with a dignified citizenship in labor, all men should cooperate. But with the compulsory doctrines, the arbitrary demands, the violent attacks, the obstructive tactics against employers or workmen, we should take issue as against an alien foe of our country.

We cannot compel men in this land to do anything but obey the laws. We cannot force men to use their capital to furnish employment or say to them what kind of laborers, skilled or otherwise, they shall employ. They are not obliged to do business at all unless they choose to do so. Attempts upon the part of labor unions to manage business in wages and hours, in employees and methods, have driven millions of capital out of labor-producing business and kept it shut up in inactive deposits. We cannot compel men to work and we cannot forbid their working if they can find work to do. Therefore any organizations which attempt to create arbitrary and unnatural conditions and which undertake to take charge of labor and capital are the extreme of folly. They merit no consideration except contempt, and because they are tyrannical should be allowed a place in this free country only until laws can be made to suppress them. Strange inconsistency that prosecutes

## LABOR UNIONS

a corporation for "restraining trade" and flatters and pampers despotic organizations which have for one of their purposes the restraining of labor!

Curiously, the Bricklayers and Masons Union of America starts out with the noble declaration: "Whereas God in his infinite wisdom has endowed all men with certain inalienable rights, among which are the right of life, liberty, and the pursuit of happiness," and proceeds to prescribe the methods by which they shall "scab an employer"! The noble rights which they have copied from our Declaration of Independence do not seem to apply to "scab employers"!

But ours is a freedom that has no classes in it, and all men, employers and employed, are guaranteed equal rights and must cooperate to secure universal freedom. Upon that principle only can success come to all.

## CHAPTER XVIII

### WORKINGMEN

I APPRECIATE the fact that I enter upon sensitive ground as a professional man in the discussion of the workingman. But that sensitiveness has no sure footing. Nineteen twentieths of the professional men have been poor men's sons who know what it is to live in an honest, clean, humble home and to work with their hands, and the other twentieth or whatever that exact fraction may be are to be pitied because they have not known the best and sweetest manner of life known to men. "The Cotter's Saturday Night" tells the story in the fragrance of spring flowers. Nearly every millionaire of this country has sprung up from such a home of piety and frugality and finds his happiest moments in the remembrance of it, and not in the use or contemplation of his riches.

The privilege of labor is the greatest riches men can have. I know the workingman, for I have been one, from herding government mules to rolling a truck on a steamer's deck, from driving a mud-scow stage to ranching in the far West. The plow, the

## WORKINGMEN

axe, the spade, the scythe are instruments to which the callouses of my hands have borne faithful testimony. I did not attain to the dignity of the mechanic laborer, but he is the same genus. I know him and respect him as I do all honest laborers.

My blood runs hot and adjectives more forcible than elegant multiply in my mind when I see in demagogic print or hear in ranting speech this man whom I used to be, and hundreds of thousands, yes, millions of my fellow-citizens, appealed to or spoken of as serfs or as an oppressed and downtrodden race—terms and teachings borrowed from Europe and imported for political purposes by the malcontents, who know no road to power except the road of destruction to the prosperous and free.

Happily for the country, our native workingmen and the men of a second generation of the most of our immigration resent the imputation and challenge it with the independence of their action and their votes. There can be no proletariat in this country. The serf is an impossibility to our workingmen unless they make themselves so by joining the ranks of those who never have had a higher conception of the laboring class. If they permit themselves to be rounded up and herded by the clamoring socialists who have no fixed doctrines but discontent and envy, they will become a party as distinctive in its distress and wretchedness as anything in the land from which their leaders and doctrines have come. If they remain intelligent, self-thinking, self-respecting, and



## THE RAID ON PROSPERITY

self-governing, they will remain what they ever have been, the strength of the Republic, the fathers of the great men of the State and the professions, and from their ranks will continue to arise the men of capital and power in commerce.

I shall not be misunderstood if I say that the workingman must not make the mistake of accepting the teachings that he is the only worker and that upon him is the burden of the age. I have said that I know what hand toil is. The earliest of early hours, wet and dark nights, and aching bones and muscles are familiar to me, but I never knew toil so wearying and aging and exhausting as I have known since I laid down manual labor and took up the responsibility of a professional life. It is not the laborer with his hands who passes the wakeful nights and the days that have no eight-hour whistle. It is the despised capitalist who spends sixteen hours of day and night planning the business that yields a good and sure wage to the eight-hour laborer. It is the man who gets no more for himself than a living which is not more wholesome than that of the well-paid workingman and whose anxiety and task are a hundredfold greater. The man who envies him, envies that which never had an element of satisfaction in it since Solomon pronounced upon the vanity of riches. The only happiness he has is from the same source as that of the man he employs, the doing of things, the achievement of a purpose, the making of money that he cannot spend or the spending of which but increases

## WORKINGMEN

restlessness and discontent so plainly seen as it passes from one form to another. We all are workingmen, and the hardest work is done by those who are in the greatest spheres of active life.

The workingman should not be deceived by the absurd doctrines of the little socialists who have so much sympathy for him and who assert that he is the only producer on the earth, that no other work except the work of the hand adds to the world's wealth. These men have a sympathy for daily toilers about in proportion to their distance from the plow, the anvil, and the carpenter bench.

Day labor adds to the world's wealth and there could be none without it. Wealth adds to labor its wage and there could be none without it, except that of the primitive and simple forms of savage life. The world has come on up to these summit centuries because the rich and the poor have dwelt together and the Lord has been the maker of them all.

Nothing is more absurd than the teaching that the labor of the hand has produced the wealth of the world and the rich do nothing and therefore should have nothing. This is a doctrine of riotous discontent that incites people to the destructive feelings that the man who owns the factory and works much harder than those whom he employs is defrauding them because he does not divide up the factory with them and take his place at a lathe or a drill press—a silly doctrine that takes no account of labor done with brains, which imposes the greatest tax upon nerv-

## THE RAID ON PROSPERITY

ous energy and the very centers of physical force. There was once a carpenter who afterward became a man of sorrow and acquainted with grief. In which capacity did He the greater labor?

There is more than the hand in the labor of the world. There was not much being done when the hand was the only thing that worked. It was only after the brain began to work and men discovered ways of developing the resources of the earth by the forces of nature and by a thousand inventions which sometimes the man who worked with his hands tried to destroy, that hand work did anything except in the rudest ways. In the polite arts the hand follows the ideal. In the useful and practical arts the hand follows the invention.

Will it be said that the mind worker, who perhaps may never touch a tool or strike a blow of manual labor, but who thinks out in all of its detail the typewriter that furnishes thousands of young women with day labor, shall have nothing of profit from his invention, and that the promoter who has a peculiar genius for putting it upon the market, though no ability to become a machinist, nor physical strength for a most indifferent laborer, shall reap no benefit out of it? Do these men produce nothing because their hands have never labored?

This man, who worked with his brain only, produced results which have been worth to the world in work the labor of a million men who toil with their hands simply. And so far as the rich are concerned

## WORKINGMEN

there are no arbitrary bounds fixed to that class. The limits are being passed over both ways every day. The rich of this morning are poor to-night because the working mind was inefficient, or careless, or "took a day off," or was deceived and robbed, or because some natural changes came upon them like an unexpected frost or flood.

On the other hand, the poor man applied the earnings of his hands to some happy investment with his mind and made them ten thousandfold greater in a year and greater many times over than all he could have hammered out of his anvil in a lifetime. Not a year passes that the employer does not give place to the employed. The errand boy of the store yesterday owns the store to-day. And he came into possession of it by the labor of his mind. He did three things. He labored, he saved, he invested, and he was three men in these things and he had a perfect right to what was paid to him for his daily toil, to what he put in the savings bank—owned by men who had money enough to keep it safely for him—and to what he invested when by his ability and wisdom it became a store or a factory or a ship or a railroad.

That man all the way through is the day laborer and he has as much right to what he has in the last degree as he had in the first, and he is doing greater things by the multiplying of the results of his toil than he did with his simple day wage. He is a day toiler, using with his mind the results of those days of hand toil, and it is absurd in the extreme to say

## THE RAID ON PROSPERITY

that he is anything else. And if at the end he wishes to give the results of those hand-and-hand days' labor to his sons and daughters to use and enjoy, he has as much right to do so as he had to work for them when he carried home at night in his empty dinner pail the money that fed them and clothed them. Another man did not carry his wages home, but left them in a saloon. Had not the first man a right to feed his children and clothe them better than the second man? Still another had sickness and trouble. Must the first man starve his children and leave them naked as a consequence? It is a case where we bear one another's burdens by every man bearing his own burden. The right of a man to go on to his utmost, earning, saving, investing, is as plain as his right to choose the place where he will live and the kind of things he will do. And if he can help his neighbor it is not by dividing starvation with him but by sharing in rational ways what he can add to the world's wealth that can be used for that purpose; and this a sound wisdom is doing in private kindnesses, hospitals, colleges, and asylums, in hundreds of millions of dollars of invested labor, in capital and corporate forms of business every year. It all is toil, the laborers, the inventors and discoverers, and the rich to whom was lawfully given in his inheritance that which he had increased a hundred or thousand times by the labor of his mind.

Another fallacy which should not deceive the workingman is the assertion, ignorantly repeated by

## WORKINGMEN

the agitators from year to year, that the workingman's estate becomes increasingly worse with the increase of wealth; the rich growing richer and the poor poorer. That statement is being opposed by facts too plain to be successfully disputed.

The condition of the workingman has improved steadily with the increase of modern wealth, wealth that has been invested in the utilities. The corporation has been conspicuously his greatest friend.

The first passenger train was run in England on September 15, 1830. Since that time wealth has taken on the alarming proportions which we are called upon to check; the railway became a corporation as soon as it attempted to cross any considerable space and transport passengers and freight in a large way. Soon other great enterprises, the most of them inspired by the railway, called for millions more of money than any one man had and for a genius of administering ability. What became of the poor workingman? By this time, according to socialists and anarchists, he ought to be annihilated. He must have been a very rich workingman, for he has been growing poorer during all this time of the development of predatory wealth. There certainly ought not to be anything left of him now.

What are the facts? They are easily obtainable. In 1830, when the railways began, the wages of farm hands was 80 cents per day; blacksmiths got \$1.12 a day; carpenters, \$1.57; painters, \$1.25; mill operators, \$.94; day laborers, \$.79. To-day the day

## THE RAID ON PROSPERITY

laborer gets from \$1.75 to \$2.00 per day, the mechanic from \$3.00 to \$6.00 per day, as anyone knows who employs carpenters and masons. If cost of living has increased greatly, the workingman has himself to thank for that largely, for with a reduction of one fifth of the time taken out of the production of materials, there must of course be one fifth added to their cost.

But a more striking comparison is to be found in the days preceding the great accumulation of wealth and especially before the hateful corporation was known. In the seventeenth century in England wages were sixpence a day and the condition of the workingman was one of abject squalor. In the beginning of the nineteenth century in this country wages paid in produce and in currency would have amounted to about fifty cents per day. An intelligent woman, whose young womanhood was in those days, told me that she had worked for fifty cents a week. Compare what she could do with the thousands of kinds of employment open to women now—occupations opened by capital.

But if one would like to go back to a time when living was cheap and no one was ever caught in the tentacles of the octopus, let him go back to the fourteenth century.

The *American Farmer* has given us a most interesting and instructive compilation that grows in significance and emphasizes its lesson as you consider our own times. It is said that "memory's geese are

## WORKINGMEN

swans," and there are great flocks of these swans in the romancing of the present-day socialistic fiction.

To those who have not examined comparative conditions there seems to be some force in the insistence of the sensational novel and the feeble-minded socialistic magazine writer. But, fortunately, it is possible to live in the ages gone and to trace the estate of man up to these heights of his prosperity and glorious citizenship. If our workingmen will study history a little more and listen a little less to ignoramuses who talk with swelling, empty words, they will find how greatly they are blessed in comparison with any past age.

Here is what the *American Farmer* finds: "Had you lived in the fourteenth century you could have bought draught horses at \$.72 each, and oxen at \$1.25. In the days of Henry II \$50.00 would have equipped a farm with 3 draught horses, half a dozen oxen, 20 cows and 200 sheep, leaving a balance of \$2.00 toward the payment of rent, which was about \$5.00 a year. In England pasture and arable lands were ridiculously cheap, two cents an acre for the former and twelve cents an acre for the latter being considered a fair rental. Two cents or its equivalent would buy a pair of chickens in these blessed days of old. For the value of a nickel one could acquire a goose fit for a Christmas dinner or two ducks that would make a fine roast. A penny would purchase a dozen strictly fresh eggs, and wheat fell sometimes as low as forty cents a quarter, or eight bushels. This period seems to have been the paradise of toppers, as the brewer was compelled by law to sell for two cents



## THE RAID ON PROSPERITY

three gallons of beer, the equivalent of forty-eight glasses. It will give our modern labor unions the cold shivers to read that three cents a day was considered good wages for an ordinary laborer. [For one and two third days' work he could have bought a goose.]

"Our farmers probably will heave a sigh of sympathy when they learn that even at harvest time four cents was the highest amount expected. Young couples about to marry had no such terrors before their eyes as confront them in this era of prosperity. Housekeeping might safely be entered upon by the most timorous in those 'good old days.' House rent was so low that the Lord Mayor of London paid only \$4.80 a year to his landlord.

"The Chancellor of the British exchequer, the man who does the work of our Secretary of the Treasury, had an annual salary of \$192. When a father sent his son to a university four cents a day was looked upon as a comfortable allowance, with a margin for such luxuries as wine at eight to twelve cents a gallon. A salary of \$24 a year was considered munificent. King Edward VI gave his daughter an allowance of \$4.80 a week, with an additional \$247.60 a year for the maintenance of her eight servants. The bed that a king then slept on would now be shunned by the humblest farmer in the land. There is not a renter in the West that would not be considered rich by comparison. Remember, too, that they had no railroads in those days, or decent roads of any kind. A trip of a few hundred miles was a momentous undertaking, and a man setting out from London to Edinburgh made his will with little hope of getting back. Of course there were no interurbans, or street cars, or even canals, and wheeled vehicles were entirely out of the reach of any but the aristocracy.

## WORKINGMEN

“ But it is not necessary to go back to the fourteenth century or to England to find out what was meant by the ‘good old times.’ Come along down to the nineteenth century and to our own country and see how people lived much less than a hundred years ago. Many men now living remember when men had to work all day at the hardest kind of work for one bushel of wheat. Fifty cents in trade was what one got for beginning at daylight and grubbing or splitting rails until the sinking sun reminded him to quit his arduous task. Farm produce, when salable at all, was absurdly low. There was no market, only the neighborhood consumption, and there being little or no money, everything was barter. Eggs went begging at a cent or two a dozen, poultry was but little better, stock of all kinds at the very lowest ebb, and no farmer could hope to make profit off any of his produce. Merely a living, as the result of days devoted to toil and nights devoid of ease, was the best that could be anticipated by millions of pioneer farmers ‘in the good old days.’ Some sentiment still lingers about those times. We recall with interest many of the romantic and tragic incidents, but we hardly think any of our farmer readers would care to be transported back, except in fancy, to the period which did not fully end until the last century was more than half over. ‘The good old times’ are well enough for the poets, the writers of historical novels, and the ancient dames who croon in the corners of the blessed days of linsey-woolsey dresses, jeans suits, corduroy roads, and open cabin doors. As for ourselves, we prefer the present, despite its graft and greed, its selfishness and its sordidness, for at least it has replaced penury with plenty, deprivations of all kinds with innumerable comforts, and has

## THE RAID ON PROSPERITY

changed agriculture from a groveling calling to the noblest and most prosperous of the professions."

There never were times that were so kindly to the laboring man as the present. His labor is a capital which he can invest in any part of the country and if he does so wisely it will yield a remuneration which in a few years can be placed where it will make him comparatively independent. If there are many exceptions they are in those conditions of providence which cannot be charged to the country and there are no more of them than there are among the men of capital.

The workingman gets what his labor is worth in the market. He gets what he puts into it. It is upon the same principle precisely as money and trade. If there is much money it is worth less. If the market is overstocked, trade is sluggish and profits are slow and men must wait patiently for a change in the commercial tide.

Labor feels a similar condition of supply and demand. The workingman carries to the market one day's labor and the market pays its price more or less according to the demand. He gets the pay for that one day's work. If he saved yesterday's labor and last week's also, he can get pay for the day he works and pay also in interest, according to the market, for the days he has saved up. He can get as much for what the days are in wages as any man gets on a like amount at interest if he loans them out as wisely.

## WORKINGMEN

If he chooses the mirage of the socialist, if he runs after the *ignis fatuus* of the philosopher who is going to take the wealth of the rich and divide it among the laborers, he will grow very hungry and homeless. If he will let the saloon alone and apply himself simply to the opportunities which his honest hands may use, it has been computed that the laboring men of the country could own three fourths of the railroads in ten years.

There never was a country where so many and such secure facilities were offered to the wage-earner to deposit safely his earnings and help him to a constantly increasing income from the dime savings bank to the share of a successful corporate business, and never have so many such people in any age availed themselves of these facilities. The savings banks are filled with the earnings of the poor. It is said that the Pennsylvania Railroad is owned by over 6,000 persons.

This means that there are thousands of small holders. The *New York Times* of recent date tells us that in the disturbed condition of the market, due to the unwise rantings against capital, "Farmers, school-teachers, mechanics, clerks, invaded Wall Street in a way never before witnessed and took away 3,000,000 shares divided about equally into lots above and below 100 shares apiece. It was said that 50,000 shareholders were added to the lists of 200 concerns. Very little went abroad, but much to New England, more to the South, and most to the West."

## THE RAID ON PROSPERITY

This was not invested in gambling and speculation, but the purchase of sound properties which will recover their standard values when the insane ravings against corporate capital shall finally cease.

The workingmen have it in their power to re-establish the values of this country. They can redeem the unions from the demagogues and the lazy, blatant, walking delegate, who justifies his election by making himself a trouble-maker for both the employer and the laborer. They can silence the agitator, who insults their intelligence by comparing them with slaves and serfs. They can establish business confidence by giving an honest day's work heartily for honestly and promptly paid wages. They can control the politics of the country and make legislation constructive instead of its burdening the country every year with a terrible weight of impracticable and mischievous laws. They can make the law and order and thrift and happiness of every community.

They can be what American labor must be if America is to hold steadfastly her place at the head of the nations of the earth, the bone and sinew, the red corpuscle blood, the character and virtue, the independence and self-reliance, the healthy brain whence spring the inventors, the spirit of enterprise whence come the millionaires and creators of commerce, the home-makers in which are the roots of the Republic.

## WORKINGMEN

There can be no land and country without them and all things are theirs. There is nothing to which they cannot aspire and there is nothing to which the workingman cannot attain. He is not a class. He is the citizen.

There is no workingman on earth so manly as the American workingman. The remark made frequently in these days that wealth tyrannizes over him or that he cringes to the rich is untrue. Such things are said by men who know little of the American workingman and generalize from exceptional cases.

My pastoral experiences in Boston and New York were with the rich and the poor, the employer and the laborer. I cannot recall a solitary instance in which any workingman cringed to wealth or position. I think that he is in more danger of an extreme of self-assertion to vindicate his just claim to equal manhood.

And fairness compels me to say that I recall no instance of an offensive attitude upon the part of wealth toward the workingman. The exceptions that are sometimes cited are not American types either of the rich or the poor and those exceptions usually are put forth in offensively patronizing ways.

There is extremely little class friction in this country. The most of it, as we have observed, is an importation. There would be less of it, and, indeed, none at all, if the laboring man never depreciated himself. Let him set the highest success as

## THE RAID ON PROSPERITY

his mark—the greatest things that he can do. That ennobles one's character and begets true contentment. That marks the only success that is worth having. Manhood is the goal of us all if we have a worthy view of life, and all things beside are incidental.

## CHAPTER XIX

### THE REMEDY

**L**AWS will be a staple demand as long as there are institutions and personal obligations of men to be administered by varying intellects. Laws are the footing courses of the mighty structure of government. It is not built upon politics or parties nor upon personalities and popular issues. These are variously tempered mortar, usually untempered and sometimes overtempered. Sound laws interpreted by men high above partisan or personal influences are the solid foundations which abide forever. Popular issues are sand dunes, often wind-driven by human passion. Men, even if wise enough for a given time and issue, give us no guarantee of a succession of wise men, and what you leave to a wise and strong man to do becomes the precedent for an unwise and weak man who follows him. And if a wise man may set aside law, an unwise man when he comes into power may also. The only safety is in government by constitutional law and wise statutes into which is mixed the controlling and predominating element of common law.



## THE RAID ON PROSPERITY

The insistence which is needed in the country to-day as much as it has been at any time in our history is for that which is more imperiled under the present administration than ever before, reverence for the Constitution, the common law, and the courts.

Our national preservation is involved here. It was that reverence which held us in the days of our fathers and which has been our great sheet anchor in every critical period. We are threatened now by the substitution for that old anchor of a patent, flukeless, weak, and malleable thing called socialism; an experiment to which men in our highest authority are lending themselves, and an experiment increasingly perilous by the greater size of the ship of state and the infinite value of her cargo.

We hear from our statesmen at Washington something about shaping out the old flukes and so stretching the cable of the constitutional anchor as to let the ship slip off into waters now desired to enlarge the general governmental anchorage. What is to check the slipping, when our anchor is made to slip and not to hold, is a question that seems not to trouble our new order of statesmen.

If you will permit me to change this nautical figure of our ship of state, I might say that the doctrine which it is suggested that we are to accept is an adjustment of the compass to the course instead of to the magnetic meridian by which all safe courses must be determined.

A wave seems to be sweeping over the times

## THE REMEDY

which bears down law and order and constitutions and substitutes the personality of man and makes opinions law. If the old law will not do it, make a law that will do it. If a Constitution is in the way, it is easy to show that there has been that in the Constitution which our founders did not see nor dream that they had put there. What they thought the States were to be compelled to do, it is easy to show that the States are not to be permitted to do—because “they are unequal to it” ! The interpretation of what reservations are left to the State will be determined by the government at Washington—what is good for them to do and what is harmful for them to do; things that were once questions for the courts to decide will be arranged by new statutes framed by the Chief Executive and his Cabinet and consented to by an obedient Congress. The States have their proper place in this new theory as the several departments of government to carry out the prescient wisdom of the ruler of the Nation and his champions of the new government. We have a new doctrine of States’ rights. We are told by the President that “the States’ rights should be preserved when they mean the people’s rights, but not when they mean the people’s wrongs.” Now if those words had not been said by the President of the United States, I would say that they sound like the words of a politician and not a statesman. They are made of such stuff as is thrown to the galleries. Who is to be the judge of the quality in the case, as to which are the people’s

## THE RAID ON PROSPERITY

rights or the people's wrongs? Heretofore the courts have decided that question, and the courts uninfluenced by executive interference. How are the rights to be preserved and how are the wrongs to be removed? In the old-fashioned way through constitutional revision by amendments by both the Congress and the States. The new fashion to which you are asked to subscribe is to read into the national Constitution new interpretations, or if you are in a hurry, make a new statute to be operated by one of the new commissions by which the country is to be governed for the good of the people.

Some of us are so old-fashioned that we have supposed that whatever rights a State has, good or bad, it has something to say under the Constitution about the preservation of those rights, and that that is not a question for Washington until it hears from the States. Because we can compel a State to stay in the Union, it does not follow that we can rob it of its inherent, constitutional, and reserved rights and make it an empty shell, a useless form of government only—a vermiform appendix.

It doubtless is true that for some things we must invoke the general government. But the government must be invoked by the States. The States are not to be compelled by the government except in the things to which they have constitutionally consented.

One of the great New York dailies said awhile ago that the new way is to "look around until you find some abuse, picture it forth to the people as a

## THE REMEDY

scaly monster, belabor it until you have attracted attention and made yourself popular as a deliverer of the enslaved, then rush to Congress with the suggestion of a bill—the vaguer the suggestion is the safer it will be—to draw the teeth of the monster and tie his legs. Then make a prodigious fuss over your achievement in speech and writing and leave the law-making body to work out the statutory solution. If the legislators raise constitutional objections, denounce them as traitors and the slaves of the trusts. Few practical reforms are thus achieved, but it is a first-rate way to make political capital.”

There is nothing more dangerous than centralized government, especially when the government gathers authority into itself. The safety of this country has been that the centralized form of our government has been only such as the people have given and not such as has been taken away from the people. It was one of the principles that De Tocqueville pointed out as constituting the difference between the Republics of France which went to pieces and our Republic, that in France the rulers governed from the center outward, while with us we rule by the people from the outside inward. We construct our government from the town meeting to the Legislature and from the Legislature to the Congress, and in that order we construct our governmental forms, the officers of government being only the agents of the people. And their prerogatives are limited and their privileges and duties are defined by

## THE RAID ON PROSPERITY

the people in constitutions both of the Nation and the State.

This has been our stability. To substitute men for law or the party in power for the Constitution or to permit the slightest liberty to be taken with it under the pretense of serving "the people's rights," is to yield the eternal safeguards of the country to an infatuation and a delusion.

And permit me to say that the easy use of the Constitution for the purpose of personal political doctrines is increasingly dangerous under an extremely popular administration. Often the most popular rulers are the most dangerous, and insidious moves are made upon constitutional liberty under such administrations which under opposite conditions are instantly detected and resisted.

An advance is being made into paternalism and the centralization of government by commissions the possibility of which no man dreamed ten years ago. What would have become of the political head of a Cabinet officer twenty years ago if he had proposed to stretch the Constitution to overcome certain reserved rights of the States, and what would have been the political following of a Chief Executive who had talked of abrogating such rights under the plea that they did not serve the good of the people? Are we in America? Has this been America for the past two years? Such things only recently have been possible to America. And their reign should be as brief as their introduction has been recent.

## THE REMEDY

Perhaps what I now say may be slightly paradoxical. We have too many laws and too many lawyers—in some places. Our troubles have been precipitated largely by statute-making, and the making of statutes is due to too many lawyers in Congress. Every lawyer has to make a law to justify his election among his constituents. We ought to send to Congress fewer lawyers or say to the lawyers whom we send: “We want you to see to it that there is not another law made for twenty years and to help repeal half of those that have been made in the last twenty years.” We are overlawed until about every form of business in the country is outlawed. It has come about by men confounding forms for principles. The principles in commerce and society and government are few and simple and plain and for their definition and enforcement they call for few laws.

The principles of business, whether a corporate or an individual form of business, are practically the same. One is not inherently bad and the other inherently good. The same quality of human nature is in both. They differ in size. But the same remedy is demanded for the same thing in both. And if the individual who whines so piously got hold of the corporation, he would not run it as a church but for profit. It has been so from the beginning and will be so to the end, and a thousand years after the millennium you could find something to investigate in business either individual or corporate.

Up in my old State of Maine, when I was a boy,

## THE RAID ON PROSPERITY

a couple of West India goods stores stood on the opposite sides of the way of a single-street town. One day the proprietor of one of those stores sold a gallon of West India molasses for two cents less than the dealer on the opposite side sold it to his customers. At once a war of competition began and the farmers carried away molasses in buckets for nothing until one of those traders emptied his single hogshead. But the other one had two hogsheads in stock and won out. Of course it was a wicked thing for that trader to have two hogsheads instead of one when that backwoods war began. In these times a secretary from some commission would be sent up there to see how it happened under our railway laws that a man could get two hogsheads of molasses and his neighbor have only one. One of those men was guilty of restraining trade!

But in the simple old times it passed over, a little summer whirlwind. The town never got such cheap molasses afterwards, for two fools cured themselves of their folly. The law of common sense made a statutory law unnecessary.

We have so many laws and so many sniffing commissions, so many special and assistant prosecuting attorneys barking on the scent, that the business man to-day cannot tell from one day to another whose law he is violating. Men have been arraigned, within a short time, who were as much surprised as any man could be when they were charged with criminal business methods. Things that were lawful suddenly be-

## THE REMEDY

came unlawful, and things lawful from the beginning in their States all at once, by nitching a commission to the Constitution by a statute, became crimes in all of the States. Unsuccessful competitors of corporations had at last, through long preparation of a certain hysterical form of public sentiment, secured by enactment what their business ability had failed to accomplish, and men who had pursued business principles and methods recognized by competitive business since the world began, found themselves hounded from court to court, assailed by executive proclamation, and hooted by an unthinking and prejudiced public.

We must get down to first principles and accept the world with its human nature. We cannot make the millennium by investigation.

Archbishop Ireland, whose Americanism is as conspicuous as his loyalty and devotion to his Church, said in Washington recently: "In the intentions of the fathers of the Republic political liberty was to be the guardian and protector of civil liberty. It was thought that, citizens being lawmakers, no laws would be enacted that would go beyond what was necessary in demanding restrictions of civil freedom.

"And yet is there not some peril to civil liberty from political liberty, at least, in what I may be allowed to call the exuberance, the riotousness of political liberty? As a matter of fact, we have too many laws; our Legislatures are too anxious to increase the bulk of the statute book. As things are



## THE RAID ON PROSPERITY

tending, we shall soon have so many laws that wrapped around us as it were by a serried mail we shall become prisoners forbidden to stir or walk." The Archbishop said further: "Let us be on our guard that in the pursuit of justice we do not bring on injustice; that in coveting social prosperity we do not encounter social disaster and chaos. There is in this land to-day the delusion that to build up one class naught else is needed but to pull down another, and there is growing up among us a hatred of success in others, however much that success may have been the reward of most praiseworthy efforts. That accumulation of capital, corporations, trusts, may have had their faults and may need to be watched over by the State with diligence and care, I shall not deny. But this much I do deny, that accumulations of capital and corporations are to be prejudged as guilty; that men having part in them are to be deemed without right to work, without right to fair play, which is the native appanage of all Americans.

"This I deny: That all men are equally talented, equally farseeing, equally industrious, that consequently all are more or less entitled to an equal possession of wealth or an equal industrial reward.

"This I deny: That all men being as they are by nature and by habit, society can ever be without its rich and its comparatively poor: That American industries and enterprises can ever thrive and hold their own in world-wide competitions without there being here and there, ministering to its needs, large accumu-

## THE REMEDY

lations of wealth and consequently large gatherings of men with association as contributors to that wealth.

“Destroy great enterprises, make impossible the unification of many individual energies, and if equality then comes, it will be equality of mediocrity and social poverty.”

I could not formulate my political and economical creed more perfectly. In substance and almost in form of words at some points I said these things several months ago.

The political laws and commissions and messages have become a menace to our very fundamental form of government and to our commerce and manufactures, and we cannot awake too soon if we are to stay the imperiling tendency of the hour.

To-day farsighted business men sit helpless before the riotous forces that have laid their hands upon the wheels of manufacture and trade and that threaten to turn out of our shops and factories and trades hundreds of thousands of mechanics and laboring men within the next year. The spirit of investigation has discredited nearly every man's business and posted warnings everywhere until men do not know where to insure their lives or where to invest their savings. The word comes all along the line from conservative men to slow up until the future can be seen more clearly.

Nothing on earth but this universal distrust from unwise and useless investigations could stop the

## THE RAID ON PROSPERITY

progress of the most prosperous age the world has ever seen. Every condition fills our sails prosperously, but our captains are called pirates, our cargoes are branded as stolen, and men of business of great aggregations are known as buccaneers. That is the alarm which is constantly shouted and which the commissioners are trying by *ex parte* methods to justify. And there are too many thousands who believe it to make it safe for the country, which always depends upon the confidence of the people for business prosperity.

The President accuses his critics, and especially the college men, of offering no remedies for the evils he sees. Has it occurred to the President that there are no evils which are not subject to correction by the judicial processes which our fathers provided when the common law was incorporated into our Constitution and statutes?

The President's kindly critics believe that much of the evil is exaggerated and in distorted forms. It is incidental and not radical and pervasive. Much of it is well-nigh ancient history, such, for instance, as one of the most recent discoveries of the Interstate Commerce Commission. It is not a live issue. There is not enough evil to-day that threatens the common good to warrant such a proportion of the administration's attention and machinery of investigation. It may be good politics. It may be a way to make a certain kind of fame, but it is poor statesmanship.

## THE REMEDY

If a remedy of evils is wanted, we would suggest a remedy for the greater evil of agitation, exaggeration, and distrust which is threatening the business of the country. Stop investigating and shouting thief at every great form of business. Restore the confidence of the people. If there are evils to correct, correct them without the bugles and drums of investigating commissions. Use the common law and common sense which served the world quite well until this sudden spasm of government by commissions and investigations. Dismiss the commissions which must justify their existence by smelling for rotten things and give the country peace and rest.

Any government by investigating commissions or committees will keep the country in a constant state of agitation, for in the nature of things such methods must be kept busy. And there always are things to investigate. You can stir them up in anything from a corporation to a church. I have known ministers who kept churches stirred up and discredited and divided from the time their pastorates began until they ingloriously ended, none too soon, by trying to create a millennium after a hand-made pattern of their own invention.

We all want the most perfect things in government and business, but there are some things that cannot be done offhand, and the more you work at it the more you bungle the job. There are laws of being and progress and intelligence and ethics that cannot be legislated and they cannot be set aside or hurried.

## THE RAID ON PROSPERITY

If they could be, the millennium makers would have had things all adjusted long ago. But the world's history is full of the useless patents and the broken implements of men who started out to hurry up the world and change it over in a day.

The only remedy is with human nature. And that has to be remedied at its center. And there is as much of that in a poor man as in a rich man or he would not envy the rich man his riches. There is as much of it in individual business as there is in corporations; for every corporation is made out of the union of individual forces of business. And there is as much blundering and impotency in the general government as there is in the State governments. The general government should be the State governments met together in Washington—but not abandoned at home.

The evil to be remedied, if one of the impracticable college men might speak, is the mistaken assumption that the wrongs of things can be legislated out of them and that it is the province of the government to use a machinery of special commissions to investigate and hunt up wrongs. As though there ever had been anything or is anything or will be anything while human nature lasts that will not have some evils in it, or as though there can be a condition while men differ in ability and the chance of opportunity and the passion of acquisitiveness, that will not present inequalities of accumulation and cause loud protests from the unsuccessful, who usually apologize for their

## THE REMEDY

failures by accusing their successful rivals. The restoration of our courts to the place usurped by commissions and the return to time-honored methods of adjusting wrongs *ab initio* would hold us back from evils worse than any threatening from trusts or "swollen fortunes."

The age is peculiarly liable to exaggerated notions of the wrongs, the tyranny, and the corruption of men. We take a paper at breakfast and focus the world's iniquity into one house at one hour as into a camera obscura. We scrape it all off the pages of one little paper into our plate and look at it and say: "How long, O Lord, how long! The world has gone over to the devil bodily." But you scatter it all back whence it all came over the wires and there is not enough of it to refract one ray of the sun of our glorious civilization. Look around you. Do you find the conditions in your town that are in the other town? Things located in another town, like a quack's recommendations, usually cannot be located anywhere. Do you find cruel rich and starving poor? Do you find mechanics and workingmen underpaid and their employers rolling in luxury and spending their money in indolence? You find such exceptions. But that is not the rule. Would there be more buildings built and more railways and more industries if there were fewer millionaires? The men who are helping things out of mediocrity are the men who are making the mighty centers of force around which industry, labor, trade,

## THE RAID ON PROSPERITY

commerce revolve in their great orbits, and you cannot hurl these tremendous interests into chaos more surely or with more awful certainty than by striking these centers and discrediting them with the people.

It would be well for our agitators to study Washington's Farewell Address as a caution against the misuse of the Constitution; study Lincoln's mighty faith and superb patience and his charity for all; study McKinley's philosophical, practical, sound sense and give the people a rest. The evils that are will be corrected by the force of public sentiment, acting sanely and calmly, and the evils that are not will vanish into regions whence come all disturbing ghosts.

There was not a thing from meat packing to railway traffic that was not striving to make its adjustment to its new conditions, the larger conditions, and that would not have reached that adjustment far more satisfactorily without the mischievous processes of an investigation which took the fiction sensation mongers for its authority and inspiration.

The demagogue has reveled in investigations, and the greater the evils he could stir up, the greater value he has claimed for his service. That remedy has been worse than the disease.

Strange that all of a sudden all Americans must be investigated! It could have been done fifty years ago. It can be done fifty years from now. But we will pray that it may not be done again for a thousand years to come!

## THE REMEDY

The remedy? Talk of nothing for a year but the great and glorious thing, of America. Talk of the thousand varieties of handy and cheap forms into which meats and fruits and vegetables, and all edibles, are being put for men in all places and pursuits, from the day laborer to the North-pole explorer. Talk of the difference between kerosene at fifteen or twenty cents a gallon and kerosene at one dollar a gallon (and every gallon in those times might blow you into kingdom come). Talk of the by products once in the dump heaps that are adding hundreds of millions annually to our country's wealth and the comforts of the rich to the homes of the poor. Talk of unnumbered forms of manufacture, those most active agents of civilization which must be credited to our great land. Talk of the railways which from opposition in their inception to persecution throughout their history, have pushed on, opening up States, filling the nation with teeming millions, transporting us for a fraction of the cost of conveying ourselves in all directions, hurling our papers and letters off at every wayside village at a mile a minute, and taking to the tidewaters for the markets of the world the products of our fields, and the work of our shops and factories. Talk about these great things a year and see how few things there will be to complain about. Let the glory of our country and the glory of its future be the next party platform. We have had pessimism enough, socialism enough, and investigation enough.



## THE RAID ON PROSPERITY

The further man advances the larger will be his concepts and achievements and the more diminutive will appear the men of small vision who obstructed him. The large developments of great men are not opposed to the small enterprises of smaller men which have any element of progress in them. If sometimes they interfere with the smaller activities and cause readjustments, they more than compensate by the greater things accomplished. The smaller things must yield to the larger and more powerful. It is God's law. Nothing is plainer in all nature.

The little stars have their orbits. The great stars made those small orbits. You can put neither into the place of the other. They harmonize. That they differ one from another introduces no confusion into the universe. The ruin would come by dividing the big ones up to make little ones of them.

The violent effort, opposed to all laws known to man, to equalize artificially the forms of our trade will stand as a grim monument to mark the supreme folly of our country among all nations and to designate our commercial place in the centuries. And its inscriptions will be the deeper chiseled, more legible and enduring because of the startling contrast with our progress in all other forms of intelligence.

Let us find our remedy for the present fear and distrust and incrimination in traditional statesmanship as far removed as the poles are apart from a paternal, fussing, meddling, hysterical form of government which has set for itself the regeneration of the land

## THE REMEDY

through government by commissions with investigation.

If there be things which require the national attention, let it be so given as to conserve the good while restraining the bad. Let it foster and promote the great things and not assail them as though corporations monopolized the evils and individuals carried the virtues because they are done up in small parcels. Let our laws be discriminating, promote all the interests of all just men, great and small, promote more than restrain, build up more than pull down. And let us as far as possible steer away from special commissions, which must vindicate themselves by doing special things and, therefore, must find material or make it up by investigations. Our general laws are best. Our regular courts and machinery of justice will be least influenced by passion or politics and self-interest.

And then let all the people insist, with a front that will threaten instant resistance, that no one of our courts or judges shall be influenced by threat or reward or malice or politics or by anything except justice. Let those balances hang far away from White House or lobby of legislative halls, in an atmosphere of justice, insulated from every influence but—justice.

## CHAPTER XX

### MEN FOR THE TIMES

IT may be "insulting to the American citizen," as one editor of the public press has told me, to say that our great trouble is that the man is too small for his times, but that depends upon whether it is a fact. If that is true, the remark is not insulting, although it may be humiliating. It is best to look into the face of facts however ugly they may appear.

I believe that there is nothing clearer than that the age has grown faster than the average man who is living in it. Some men have anticipated it and have, indeed, been its creators. They, however, would be the first to say that it is too great for them. But the average man has been left behind in the mighty onrush of the times. He has found it impossible to keep up with its discoveries and inventions and to grasp the extent of its commerce and revealing future. The problems have come faster than he could master them. They have excited his fears and anxiety. He has attempted to apply old methods, and when he could not, has condemned and opposed the

## MEN FOR THE TIMES

things he could not understand. This failure of the prophetic gift has left him out of sympathy with the men of far vision. He has not followed the seer. It was easier for him to brand things which were incomprehensible as visionary and follow the mal-content.

This is why he has opposed the readjustments of his times. He has sincerely believed them dangerous. That business should pass into new forms of gigantic proportions has seemed to him perilous and threatening to the stability of the country. And when they have taken on inevitable magnitudes and accumulated force, like that of the planets, he has become dismayed, and like peoples once frightened by the eclipse, has run about in frantic helplessness seeking protection. You find him in Congress making laws to stop progress because progress has frightened him. Things are getting too great and the few men who are as big as their times are ghosts of Cæsars that, haunting the Nation, may seize the reins of power and make all the rest of us slaves. They are the millionaire conspirators! But the movements of the age are great because men are small. They are not too great to great men. They are natural enough and there is nothing alarming in their proportions to those who have kept up with them. Gravitation is not disturbed by the addition of a new planet or the loss of an old one. There is enough of it and there is not too much of it. If a new planet comes on, gravitation appoints it to its orbit. If one

## THE RAID ON PROSPERITY

drops out, gravitation makes a new adjustment and there is no serious disturbance of the universe.

The only question for us is what are the resources and the forces and the men who are equal to them? And it is our business not to make things small but men great, and to get out of the way of men who are great, and not hinder them if we cannot help them.

There are causes for the inequality of the times and men. The age has been more than a growth—it has been a sudden creation. It has been more than a sun rising—it has been a sun burst out of a cloud. Chemistry has thrust upon us, for instance, in a half century a hundred substances which were not created by the Almighty, but which were left for the creator-man. Changes in use of old forces and the application of new ones have compelled readjustments of methods of business and men have had little more to do than to go on as the stars do by gravitation. This is plain to those who having eyes see and having ears hear and having minds understand.

It is a query whether there might not be something peculiar to our country in our imported man. We have been taking into this country for a quarter of a century in tremendous numbers peoples who have not been so situated as to have had opportunities of sound thinking and worthy horizons. They have come in millions to influence the thought of our country and they have been subject to violent prejudices

## MEN FOR THE TIMES

by being made to believe that strength, power, wealth, business, were menacing to individual rights and privileges. Millions of these peoples have had little opportunity to grasp economic problems outside their dinner pails. Their ignorance has been taken advantage of by the yellow journals in red type. Those are the papers they read. It was the reading of such a paper that murdered McKinley.

These men are everywhere, and though many thousands of men from alien shores are our best American citizens, they are not from these men's shores. This is an element in our present condition that we have not grappled with with any sound philosophy or practical sense. We have left them to the demagogue. We are now reaping our whirlwind.

At another point we have suffered. It has been by the loss of an Americanism essential to the amalgamation of incoming peoples. Peoples from outside are to subdue us to their crude thinking or we are to lift them by the power of our intelligent and free citizenship. But we lost millions in our great Civil War who would have been a tremendous conserving strength at this time. They were slain in battles on both sides of the contest, equally virile and American. We lost them, but not only so, they would have become the fathers of millions like themselves from whom would have sprung the great successors of those statesmen and scholars, philosophers and judges, of our tremendous past. We can well believe

## THE RAID ON PROSPERITY

that ours would be a greater land, saved from the folly that is now covering us with shame and confusion, had these men been added to the force of our Americanism. We would not be advertising ourselves as helpless and frightened by the unusual gifts of an unusual land and time. Those who are equal to the age are too great a minority. Their voices will register in history. Clamor will register now.

What can be done? There is much that can be done. A work of education of public sentiment must be begun. The cringing, politic, compromising, self-seeking public man, whether in the pulpit, the press, or the political forum, must be displaced by men of convictions who are not afraid and whose convictions are born of loyalty to truth and our land.

We must have men in the front of influence, to whom office is nothing and money is cheap and fame evanescent. Men who use their country at the cost of it should be despised. We should teach our children in our homes and in our public schools that such men are enemies to our country.

We should insist that parties must be organizations, not to perpetuate themselves nor to assert a slavish authority over men by the terror of the labor unions' "scab" language, or to promote men to office, but for the direct service of the country, to be supported in proportion to a loyalty that will welcome defeat at the polls but never the defeat of sound principles of government; that will choose to act the part of a minority in loyal protest rather than

## MEN FOR THE TIMES

control as a majority at the price of debauched principles.

Who does not know that at more than one point of vital interest every party that has had control has sacrificed the interests of the country to party success?

Our present agitated and confused condition, our compromise with socialism, our use of the more subtle and insidious forms of anarchism by which the whole structure of government is disturbed and commerce is halted in the time of its greatest prosperity with untold loss, not to the rich only but to the poor, is due not to a wise and courageous statesmanship seeking reforms in an age of glaring degeneracy—an absurd, an infamous charge—but to cunning, audacious politics which with a garment of light hiding its true character is deceiving the very elect.

Such things must be met fearlessly and pursued so relentlessly by all possible exposure that men in the trade of politics at the expense of the country will be made as odious as a Benedict Arnold, for such men are traitors of the most dangerous character. Men fighting in the open against the government upon a declared issue, even if a mistaken one, are infinitely honorable in comparison.

What is more detestable than that man who spends his days and nights studying the popular moves from which he may choose some exciting cause that will give him the following and *claque* of a restless and excitable element as subject to influence by some new thing as ever the Athenians were?



## THE RAID ON PROSPERITY

We should relegate to the rubbish heap of politics every agitation without a sound issue and a transparent cause.

An education of a constructive kind in public sentiment is our great need and it is an educational work in which all can offer themselves as teachers.

Never until that sentiment is created will laws be worth engrossing. With that sentiment special laws are not needed and agitating commissions can safely leave the country to discover and regulate its wrongs by laws that the ages of civilization have stamped with efficiency.

But ours must be a more intensive education. Our intellects must be created. They are the footing courses on which we build sentiment and loyalty and progress. We need more than the red school-house.

We had the spectacle, in the recent trial of a socialist, of a defendant lawyer arraigning education as the creator of an objectionable class, a tyrannical class! This utterance probably has the distinction of being the first of its kind from such a source. It is not usual that a man from an educated profession champions ignorance.

Possibly that socialistic lawyer remembered that in the convention of 1787, which gave us our constitutional government, more than one half of the members were university men, while some of the others, like Franklin, were equal in mental discipline and scholarship through private study. That is why

## MEN FOR THE TIMES

he thinks the Republic tyrannical! The educated man hardly needs a defense in these days and the man who scorns him boasts his ignorance.

The story is told of the late Bishop Ames, a confidential adviser of Lincoln and one of the best-known bishops of the Methodist Episcopal Church, that when presiding over a frontier conference, one of the older ministers in an ardent speech thanked God that he was not a college man. The bishop said: "Do I understand the brother to thank God for his ignorance?" "Yes, sir, I do," was the reply. "Well," the bishop answered, "the brother has much to be thankful for!"

Power of brain to interrogate our times intelligently, clearly, and rationally would correct prevalent vagaries with regard to government and twentieth-century forms of commerce and trade and social conditions.

The case is as plain as the growth of trees and other plant forms that the mind is increased by what it feeds upon—by hard study and sound thinking, and so becomes able to generalize safely its facts and use them constructively. It is the way the strong man is made.

And that is the first work for education, to make a man as big as his time; to make him for himself and not a mere commercial machine; to make him safe to himself; capable of thinking for himself; with ideals that lift him to leadership. Especially in a country where every voter is a ruler, every voter

## THE RAID ON PROSPERITY

should be thoroughly furnished by a sound education in the public schools, the technical schools, and the colleges.

The Rev. Bishop Bashford, in discussing the advantages of a college education, has given some interesting facts and figures. According to these figures the college-bred men of the United States have furnished thirty-two per cent of all Congressmen, forty-six per cent of our Senators, fifty per cent of the Vice-presidents, sixty-five per cent of the Presidents, seventy-three per cent of the Judges of the Supreme Court, and eighty-three per cent of our Chief Justices. "But as only one man in 750 reaching twenty-one throughout our history has been a college graduate, a little calculation will show that a college education increases its possessor's opportunities of reaching political eminence in the United States from two hundred and fortyfold in case of Congressmen to six hundred and twenty-twofold in case of the Chief Justices of the Supreme Court. A college education increases one's opportunities of reaching the higher places in government even more than it increases his opportunities of reaching the lower positions.

"Soon after the *Cyclopedia of American Biography* was issued President Thwing looked up the educational record of every name appearing in the six volumes. Out of 15,142 persons whose names appear in our national biography, 5,326, or thirty-five per cent, were college bred. In other words, a college education gives a young person 262 times as

## MEN FOR THE TIMES

many possibilities of reaching recognition in a national biography as those persons enjoy who have neglected their early opportunities for culture.

"A well-read person was handed the six volumes of this same Cyclopedia and was asked to select from it 100 Americans whose names would be immortal. After much examination and study he furnished a list of 150 Americans—authors, teachers, soldiers, preachers, statesmen, inventors, business men, and reformers, whose fame in his judgment would be lasting. The early lives of these persons were examined and seventy-five per cent of them were found to be college graduates. This shows that as we pass from the less eminent to the more famous Americans the proportion of college graduates increases a young person's possibilities of reaching the roll of American immortals five hundred and sixty-twofold.

"Several intelligent persons were asked recently to name the twelve persons who in their judgment had won the greatest fame in the recent war with Spain. After some discussion a list of sixteen names was agreed upon and submitted to the writer. The record of these persons disclosed the fact that fourteen of them, or eighty-seven and a half per cent, were college graduates. In other words, the discipline and association of the college increased the opportunities of winning fame in the late war six hundred and fifty-sixfold.

"The statistics furnished surely demonstrate the immense advantages which a college education gives

## THE RAID ON PROSPERITY

young people for a public career. The impression is quite general, however, that for a life of business a college education furnishes no advantages. Indeed, many people believe that higher education stands in the way of money-making by demanding the time and money which might otherwise give a young man an excellent start in business. Let us test this impression by the facts.

"The first wealthy Rothschild was trained for the Jewish priesthood and then used his disciplined powers for laying the foundations of that great banking house. James Gordon Bennett, Sr., studied ten years for the priesthood and then abandoned the sanctuary for the editorial sanctum and used his trained intellect for founding one of the great newspapers of the country. A. T. Stewart was educated for the ministry, became a teacher, and then turned his keen, trained mind to business and accumulated a fortune of \$40,000,000. Samuel J. Tilden, who made millions and who left \$5,000,000 to the New York Library, was the son of a farmer and a graduate of New York University. Abram Hewitt, the incorruptible mayor of New York, the millionaire business man and partner of Peter Cooper, was a graduate of Columbia College. Henry Roosevelt, who made millions and left \$2,000,000 to the Roosevelt Hospital of New York, is another example of the graduate in business. John A. Stevens, a Yale alumnus, who was for thirty years president of the New York Bank of Commerce, was the financial adviser of

## MEN FOR THE TIMES

Chase and Lincoln, and the chairman of the committee which raised \$150,000,000 for the government at the time of her sorest need during the Civil War. William B. Astor completed a college course and then used his disciplined powers to add \$50,000,000 to the Astor estates. A study of our commercial metropolis shows that some college graduates at least are men of affairs able to bring things to pass in the business world and to secure wealth. Such eminent financiers as Corcoran and Bell, of Washington, Biddle, Rush, and Pepper, of Philadelphia, the Tudors, Adamses, Durant, and the Lawrences, of Boston, teach the same lesson."

Ignorance is the soil of anarchy and socialism. The demagogue influences the ignorant. And the demagogues multiply among the ignorant. The raw condition of this land is our danger.

Science is no longer exclusively scholastic and mythical. It is practical and is being harnessed to countless forms of human endeavor. Hundreds of millions of dollars are being invested in electricity that was represented a century ago by one man and a kite. To master it and apply it in best forms by the most perfect apparatus demands a long and thorough course of training. The young man should bring to it a prepared brain and then spend years in an engineering course, mathematical, experimental, practical, under trained instructors.

Chemistry is represented by other hundreds of millions. It yields up its secrets and renders its will-

## THE RAID ON PROSPERITY

ing service to the educated only. It will destroy the ignorant meddlers. Biology in surgical and medical practice, geology in the structure of the globe and in mining developments, botany in curative drugs and a thousand useful and esthetic forms, mineralogy in the ores and precious metals; in fact, all of the sciences as taught in the colleges are practical demands and the educated mind is the master to whom they yield obedience.

Education is not for culture simply. It is a practical necessity. It is becoming indispensable to men in all walks of life since human life is entering into the possession of the awful forces and agents of the universe to which the ignorant are unequal and by which they are endangered and destroyed. It is not to ride Bucephalus, but to bridle and saddle and ride lightning that our young Alexanders are come. And they are to do it by turning out of the shadows of ignorance toward the rising sun of revealed truth and ascending knowledge.

Shall we have a Lusitania of 790 feet in length and 40,000 tons burden, with 45,000 horse power of steam, in her immensity and not have a man equally equipped and disciplined to command her? As much greater the ship than the old-fashioned sailing vessel, so much greater the man. We must make our men as great as the times in which they live. I am told that the most successful transatlantic line, the only one that never has lost a life, requires the four officers subordinate to the captain to hold a captain's

## MEN FOR THE TIMES

license. And I am told that these officers were educated for the British navy, and all have been masters of ships. That is in keeping with the age.

In a republic where the people are the rulers, where the voter is the emperor, the demand for educated men is placed upon the people. We are in contempt instantly among the nations of the earth if we send the uneducated and unthinking into Congress or into high executive positions. Our land demands nothing so much as great minds. And the universities and colleges must work night and day to keep up with the market demand, because the 80,000,000 will soon be 200,000,000, and this is only the beginning. Great men for a great country is the logic of events.

Evils in corporations and in individual enterprise will be corrected by strong thinking brains as we move forward. We never shall go backward. We must go forward. What we need is not a riotous clamor against organized capital, but we should develop our young men to a capacity and arouse in them a loyalty that will prepare them to go into Congress and intelligently legislate safe adjustments of these gigantic forces of the times, and the largest possible forms of business in manufacture, trade, and industry to the State ~~and~~ to all the civil rights of men by sound principles of progress and prosperity.

The very magnitude of the age has imposed upon man the obligation of presenting to its service his utmost powers. He must be as great as the things he



## THE RAID ON PROSPERITY

makes and the things he attempts to control. The plain man, the workingman must be a philosopher and statesman. The means are at hand. The world is full of books. The workingman of our cities could carry home at night the best thinking, the latest discoveries, the most practical sciences, the most inspiring discussions of the great questions of the age, for about what it cost him that day for his beer. Ten minutes with his minister, his priest, his rabbi, or the school-teacher will give him the necessary hints for wise selection of subjects.

It is startling, if not appalling, to think of such a country as ours in such an age, with such mighty forces and with movements so vast, governed by voters who cannot grasp its tremendous problems, but who are the traffic and barter of the politician with his yellow newspaper.

We cannot consent as a country to have our laws made and our pace set in these awful times by men of small and unworthy concepts. We must have thinkers everywhere from the dinner pail to the pulpit, clear-visioned, practical thinkers; men who have something to think with as well as to think about.

The greatest nation of the earth demands the greatest intellectual force, the purest morals and truest patriotism to be found among men for its lawmakers and executives. Our task is the development of our internal resources, the amalgamation of conflicting races and conditions meeting on our shores, the opening up of all of those golden seams of progress

## MEN FOR THE TIMES

that lead across our mighty continent, the preparation of a last civilization of so great virility and power that it will be ready for the conquest of forces sure to invade our land from the Western worlds to conquer us or to be conquered. We are at the outer threshold of our mission and opportunity as a nation and we must have men constructive and not destructive to control and shape our destiny. Ours must be men of steady, calm confidence and deep-rooted, safe convictions. It is no time for Dryden's "Duke of Buckingham":

A man so various that he seemed to be  
Not one but all mankind's epitome,  
Stiff in opinions, always in the wrong,  
Everything by turns and nothing long.

That is your professional politician whose life is full of cowardly contradictions.

Our only safety is in an insistence that government shall be by the Constitution and by those laws and principles which have been tested in all civilized ages.

If we trifle with constitutional government by "stretching the Constitution," by reading into it personal opinions and reading out of it safeguards against dangerous ambitions; if we swing it like a gate on hinges, allowing men to open and shut it at will, we shall have a government by men and not by law and that leads to oligarchy and tyranny. Our safety is in the wisdom of our fathers of 1787 and our prog-

## THE RAID ON PROSPERITY

ress up the heights of civilization and to a sure prosperity must be by the protection of the Constitution, which secures and guarantees the inalienable rights of the people both rich and poor. Theirs was a prescient wisdom which provided for the civic rights of every new adjustment. This highway leads to a prosperity commensurate with our resources and our obligations.

(4)

THE END





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